

9 Transcript of excerpt of testimony of
10 JAVIER ALONSO
11 May 7, 2018

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2 THE COURT: Mr. Beck, does the Government
3 have its next witness or evidence?

4 MR. BECK: Yes, Your Honor, the United
5 States calls Javier Alonso. While we're standing
6 here, I will move to admit Government's Exhibit 300,
7 which is Mr. Alonso's pen pack; 303, which is his
8 plea agreement; and 304, which is his addendum.

9 THE COURT: Any objections to those coming
10 in, Mr. Burke?

11 MR. BURKE: No.

12 THE COURT: Not hearing or seeing any
13 objection, Government's Exhibits 300, 303 and 304
14 will be admitted into evidence.

15 (Government Exhibit 300, 303, and 304
16 admitted.)

17 THE COURT: All right, Mr. Alonso, if
18 you'll come up and stand next to the witness box
19 right in front of you. Before you're seated,
20 Ms. Bevel, my courtroom deputy, will swear you in.
21 So if you'll raise your right hand to the best of
22 your ability there.

23

24

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JAVIER ALONSO,

after having been first duly sworn under oath,
was questioned, and testified as follows:

THE CLERK: Please be seated. Please state your name and spell your last name for the record.

THE WITNESS: Javier Alonso. A-L-O-N-S-O.

THE COURT: Mr. Alonso, Mr. Beck.

MR. BECK: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. BECK:

Q. Good afternoon, Mr. Alonso.

A. Hello.

14 Q. Are you now or have you been a member of
15 the Syndicato de Nuevo Mexico prison gang?

A. Yes.

Q. When did you join the gang?

A. 1997.

Q. Where were you?

A. In Grants.

Q. Who brought you into the gang in Grants?

22 A. Benjamin King, Solomon Ramirez, Popeye; I
23 don't remember his name.

24 Q. And you said you can't remember Popeye's
25 name. Do you go by any other name in the gang?

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1 A. Little Wineo, yeah.

2 Q. And just scoot your chair in a little bit
3 closer to that microphone. Your voice is loud, but
4 just so we can get it.

5 A. All right.

6 Q. How were you recruited by the SNM?

7 A. I was to put in work.

8 Q. All right. Have you ever heard the term
9 earning your bones or huesos?

10 A. Yeah.

11 Q. Is that what you mean by putting in work?

12 A. Yeah, earning my bones, yeah.

13 Q. And how did you put in work or earn your
14 bones?

15 A. Stabbing somebody.

16 Q. Who did you stab?

17 A. Leroy Mascarenas. He was a member of the
18 LC.

19 Q. Who ordered that hit?

20 A. Benjamin King and Salamon Ramirez, the
21 guys that brought me in.

22 Q. Where did that happen?

23 A. In Grants.

24 Q. How did you stab Leroy Mascarenas in
25 Grants?

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1 A. The first time was with a sharpened
2 toothbrush, and the second time was with a sharpened
3 wooden brush.

4 Q. And what do you call those sharpened
5 tools?

6 A. Shanks.

7 Q. What happened after you hit Leroy
8 Mascarenas? Where were you transferred?

9 A. To PNM, Santa Fe, the Main.

10 Q. Will you please show us what's been
11 admitted as Government's Exhibit 826.

12 Mr. Alonso, do you recognize this as a
13 satellite view of the Penitentiary of New Mexico in
14 Santa Fe?

15 A. Yes, sir.

16 Q. And on that screen can you circle where
17 you were transferred when you said you were
18 transferred to the Main?

19 A. (Witness complies.)

20 Q. So you've circled where it's labeled "Old
21 Main facility" right above 826; is that right?

22 A. Yes, sir.

23 Q. When you got to the Main, did you have any
24 conversations with the leaders of the SNM?

25 A. Yes.

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1 Q. And who was that at that time?

2 A. Pup, Baby Rob, Fred Dawg.

3 Q. When you say Fred Dawg, is that Freddie
4 Sanchez?

5 A. Fred Sanchez.

6 Q. When you say Pup, do you know his name?
7 Do you know his real name?

8 A. I do. I can't remember it.

9 Q. And what about Baby Rob?

10 A. Robert Martinez.

11 Q. And what was the substance of that
12 conversation, or what did you talk about?

13 A. About me earning my bones in Grants, what
14 I had done, and --

15 Q. And during that conversation did they
16 recognize you as a full member of the SNM?

17 A. Yes, they all gave me their blessing,
18 saying that it was good -- I did a good job.

19 Q. And when they said that you did a good
20 job, what did you understand them to be referencing?

21 A. Stabbing Leroy.

22 MR. BECK: May I have a moment, Your
23 Honor?

24 THE COURT: You may.

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1 BY MR. BECK:

2 Q. Mr. Alonso, I'm going to show you what has
3 been admitted as Exhibit 305. Is that a picture of
4 you when you were arrested in the indictment in this
5 case?

6 A. Yes, sir.

7 Q. I'm going to show you Government's Exhibit
8 306. Do you have any tattoos that you associate
9 with the SNM?

10 A. Yes.

11 Q. Are any of them depicted in this
12 photograph?

13 A. Yes.

14 Q. Where are they?

15 A. Across my stomach, on my chest, SNM, and
16 on my right arm, the forearm, a Zia.

17 Q. So I'm circling on your stomach where it
18 says "Syndicato." Does that stand for Syndicato de
19 Nuevo Mexico?

20 A. Yes, sir.

21 Q. And when you said on your chest, is that
22 the S, N, and M?

23 A. Yes, SNM.

24 Q. I'm going to show you what's been admitted
25 as Government's Exhibit 310.

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1 A. And one on my forearm.

2 Q. Is this the tattoo on the forearm you're
3 referring to?

4 A. Yes, sir.

5 Q. And I'm circling the Zia with the S in the
6 middle of it. Is that a tattoo you associate with
7 the SNM?

8 A. Yes, sir.

9 Q. Do you also have a tattoo on your back
10 that at one time you associated with the SNM?

11 A. Yes, sir.

12 MR. BECK: Your Honor, the United States
13 moves to admit Government's Exhibit 312.

14 THE COURT: Any objection?

15 MR. SINDEL: No, Your Honor.

16 THE COURT: Not seeing or hearing any
17 objection, Government's Exhibit 312 will be admitted
18 into evidence.

19 (Government Exhibit 312 admitted.)

20 BY MR. BECK:

21 Q. I'm going to show you what's been admitted
22 as Government's Exhibit 312. And if we could zoom
23 in on his upper back and shoulder there, please.

24 What in this photograph associates with
25 the SNM prison gang, or did?

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1 A. The top part saying "soldier."

2 Q. I'm underlining the words there. How did
3 that associate with the SNM Gang?

4 A. Meaning a soldier for the SNM.

5 Q. Have you renounced your membership in the
6 SNM Gang?

7 A. Yes, sir.

8 Q. Before that time, were you a soldier for
9 the SNM Gang?

10 A. Yes, sir.

11 Q. Is that why you got this tattoo?

12 A. Yes, sir.

13 Q. At the time did you have your entire back
14 tattooed like this?

15 A. No, sir.

16 Q. When did you get your back tattooed?

17 Before or after your renounced?

18 A. After.

19 Q. What is the significance of "soldier" now
20 in the rest of that tattoo to you?

21 A. To me now, with the picture that it has,
22 which is an angel holding a heart and demons
23 surrounding it, meaning protect your heart from
24 evil. And the "soldier" now means a soldier for
25 Christ.

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1 Q. When you renounced the gang, the SNM Gang,
2 how did you do that and what did you do?

3 A. I first wrote STG Gang Unit.

4 Q. That gang unit -- is that now known as
5 STIU?

6 A. STIU. I can't remember his name right off
7 the top of my head, but I wrote him a letter
8 explaining to him that I had given my life to the
9 Lord and that I was going to no longer be a part of
10 the SNM. I was no longer affiliated with the group.
11 I wanted nothing to do with them anymore, and that's
12 how I was going to live my life. I told them.

13 Q. Did you then go to the RPP Program?

14 A. Yes, sir.

15 Q. Do you know what RPP stands for?

16 A. I think it's restoration to population
17 program.

18 Q. As part of your entrance into that
19 program, did you have to debrief or give an
20 interview to STIU officers?

21 A. Yes, sir.

22 Q. In the SNM rules, what's the penalty for
23 debriefing with the STIU or giving them a statement?

24 A. Being killed.

25 Q. And is that for any statement that you

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1 give to law enforcement?

2 A. Yes, sir.

3 Q. What's the rule in the SNM about earning
4 your bones or being tasked with a hit? What do you
5 have to do?

6 A. You have to go and stab somebody. You
7 have to do it.

8 Q. And if you don't do it, what's the
9 repercussion?

10 A. You'll get stabbed.

11 Q. When you joined the gang, did you know it
12 was a requirement to be an SNM member that you had
13 to earn your bones?

14 A. Yes.

15 MR. SINDEL: Objection, leading.

16 THE COURT: Don't lead.

17 BY MR. BECK:

18 Q. In the year 2000, were you incarcerated at
19 the Southern New Mexico Correctional Facility down
20 here in Las Cruces, New Mexico?

21 A. Yes, sir.

22 Q. When you were housed there, who was the --
23 have you ever heard the phrase keyholder or llavero?

24 A. Yes, sir.

25 Q. What does that mean?

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1 A. It means pretty much the person that's
2 running the show there. He's the llavero for that.

3 Q. And who was the keyholder, llavero, or
4 jefe at Southern, when you were there in 2000?

5 A. Billy Garcia.

6 Q. Does the SNM interact with drugs inside of
7 the prisons and outside of the prisons?

8 A. What do you mean? I'm sorry, say again.

9 Q. Let me ask you this question: Have you
10 ever used drugs inside the prisons with other SNM
11 members?

12 A. Oh, yes, sir.

13 Q. Have you ever brought in drugs into a
14 facility?

15 A. Yes, sir.

16 Q. And what did you do with the drugs that
17 you brought in?

18 A. To make money and also for drug use, to
19 pass it out to others, other brothers, helping them
20 out with some of the drugs, to make money, or do
21 whatever they wanted to.

22 Q. Okay. So is it fair to say that when you
23 brought in drugs, you sold some to make money and
24 you gave away others to other SNM members?

25 A. Yes, sir.

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1 Q. Did you bring in heroin and weed -- or
2 excuse me, marijuana, into the Las Cruces Closed
3 Custody Unit in 1999?

4 A. Yes, sir.

5 Q. Before the time that you agreed to
6 cooperate and plead guilty in this case, did you
7 bring in drugs into the Torrance County Correctional
8 Facility?

9 A. Yes, sir.

10 Q. And at that time were you incarcerated
11 with other defendants in this case?

12 A. Yes, sir.

13 Q. Who did you sell drugs to when you brought
14 them in in Torrance County?

15 A. I sold some to Edward Troup, to Manuel
16 Benito; Arturo Garcia, Sergio Rodriguez.

17 Q. And when I say "drugs," what drugs did you
18 bring into the Torrance County?

19 A. Suboxone.

20 Q. Did you also send money out of the
21 Torrance County Correctional Facility for drugs at
22 that time?

23 A. Yes, sir.

24 Q. At some point while this case was pending,
25 did you agree to plead guilty and cooperate with the

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1 Government?

2 A. Yes, sir.

3 Q. I'm going to show you what's been admitted
4 as Government's Exhibit 303. Do you recognize this
5 as a copy of your plea agreement?

6 A. Yes, sir.

7 Q. And I'm going to go to the next page,
8 please.

9 Do you see that in the third paragraph
10 you're agreeing to waive your rights and plead
11 guilty to Count 3 which alleges violent crimes in
12 aid of racketeering, murder, and aiding and
13 abetting?

14 A. Yes, sir.

15 Q. And then in paragraph 4, does that include
16 the elements of violent crimes in aid of
17 racketeering, murder, and aiding and abetting?

18 A. Yes, sir.

19 Q. And the next page, please, in paragraph 6
20 does it state what sentence you currently face of
21 incarceration?

22 A. Yes, sir.

23 Q. And what sentence is that?

24 A. Life in prison.

25 Q. And for Count 3 to which you pled guilty,

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1 was that the murder of Fred Sanchez or Fred Dawg?

2 A. Fred Sanchez.

3 Q. I'm going to show you what's been admitted
4 as Government's Exhibit 304. Do you recognize this
5 as the addendum to your plea agreement?

6 A. Yes, sir.

7 Q. And I'm going to refer you to paragraph 2.
8 What does that paragraph require of you in this plea
9 agreement?

10 A. To be completely honest and tell the truth
11 in all things.

12 Q. I'm going to show you the next page,
13 paragraph 6 of Government's Exhibit 304. Do you
14 understand that if you comply with the agreement,
15 that the United States may move for the Court to
16 depart downward from the guideline range to the
17 mandatory minimum?

18 A. Yes, sir.

19 Q. And ultimately whose is the decision what
20 sentence you will serve up to?

21 A. The judge.

22 Q. Thank you. At the time you agreed to
23 cooperate, were you signed up as a confidential
24 human source by the FBI?

25 A. Yes, sir.

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1 Q. Have you been provided payments on your
2 books in connection with providing information to
3 the FBI?

4 A. Yes, sir.

5 Q. And to date have you been paid
6 approximately \$900?

7 A. Yes, sir.

8 Q. Also in connection with your agreement to
9 cooperate, have you been provided a contact visit
10 with family members?

11 A. Yes, sir.

12 Q. Since the time that you agreed to
13 cooperate and plead guilty, have you made wine in
14 your cell?

15 A. Yes, sir.

16 Q. And at the time you were doing it, did you
17 know that it was against prison policy to do that?

18 A. Yes, sir.

19 Q. When was the last time that you made wine
20 in your cell?

21 A. Three or four months. Been a few months.

22 Q. Is that how you got your nickname, Wineo?

23 A. Yes, sir.

24 Q. I want to talk to you about a couple other
25 crimes you've done for the SNM. In 1997, when you

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1 were at the Main, did you commit a crime for the
2 SNM?

3 A. Yes, sir.

4 Q. What happened?

5 A. '97.

6 Q. In 1997?

7 A. At the Main.

8 Q. At the Main?

9 A. I made shanks.

10 Q. All right. Did you ever use a metal bolt
11 or rod to assault somebody at the Main?

12 A. Yes, sir.

13 Q. What happened?

14 A. There was a guy in our pod that was
15 mouthing off to other brothers in the pod, just
16 acting foolish, and I went in there -- me and this
17 other guy went in there, and I went in there and
18 started beating him with a bolt. Just beat him up.

19 Q. Why did you assault this gentleman just
20 for mouthing off to you and other SNM members?

21 A. Because he was being disrespectful.

22 Nobody was going to disrespect the SNM, me, or my
23 brothers. And if they did, that was the
24 consequence, you know; you're going to get beat down
25 or stabbed or killed.

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1 Q. After Main, when you were at the
2 Penitentiary of New Mexico, did you assault a
3 porter?

4 A. Yes.

5 Q. And what happened?

6 A. I just got to the North from the Main, and
7 there was a porter who was an LC.

8 Q. What does LC stand for?

9 A. Los Carnales, a rival gang, and he
10 wouldn't go close to any of the food ports because
11 he already knew other members of the SNM. And I was
12 young and new and he didn't know me, so Marty
13 Montoya had sent me an antenna from a TV and told me
14 how to melt plastic into it to make it stronger.
15 And then he had given me some weed, some marijuana,
16 to smoke with this guy, to get him close to the food
17 port, and get him comfortable.

18 Q. Let me ask. Is Mario Montoya an SNM Gang
19 member?

20 A. Yes, sir.

21 Q. And so after he sent you the antenna and
22 the weed to get him close to the food port, what
23 happened next?

24 A. I stabbed him. I stabbed him through the
25 food port.

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1 Q. In 2001, did you at some point -- were you
2 in prison out of the state of New Mexico?

3 A. Yes, sir, in Virginia.

4 Q. And at some point were you brought back to
5 the state of New Mexico?

6 A. Yes, sir.

7 Q. What happened on that bus ride back?

8 A. There was another guy, his name was Solo.
9 He was also a Los Carnales member. And in the back
10 of the bus we were trying to kill him. And I was
11 breaking his fingers while Paul Silva was trying to
12 strangle him. And then Felix Romo and -- I can't
13 remember the other guy's name -- they were just
14 beating on him, just kicking him. Because we're
15 shackled, so there's not much we could do, but we
16 were trying to get him.

17 Q. When you listed those other gentlemen that
18 were assaulting this person with you, were all those
19 SNM members?

20 A. Yes, sir.

21 Q. And why were you assaulting the other
22 inmate on the bus?

23 A. Because he was an LC member, and because
24 he was running his mouth while we were in the prison
25 in Virginia. So we got the chance to get close to

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1 him, so just did what we were -- what we do when
2 you're in a gang. You get your rivals whenever you
3 can.

4 Q. And that bus ride was outside of the state
5 of New Mexico?

6 A. Yes, sir.

7 Q. I want to talk to you about June of 2007.
8 Where were you incarcerated in June of 2007?

9 A. Southern New Mexico, Las Cruces.

10 Q. I'm going to show you Government's Exhibit
11 284. Do you recognize what's depicted in
12 Government's Exhibit 284?

13 A. Yes, sir.

14 Q. Who is that a picture of?

15 A. Freddie Sanchez, Fred Dawg.

16 Q. And you talked about speaking with Fred
17 Sanchez in the Main in 1997. Was that the first
18 time you met Fred Sanchez?

19 A. No, sir.

20 Q. How did you know Fred Sanchez?

21 A. I knew Fred Sanchez from back home in
22 Roswell since I was maybe 13, 14 years old. I used
23 to date his daughter. So I met him like that. So I
24 knew him back then when I was young.

25 Q. Were you friends with Mr. Sanchez?

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1 A. Yes, sir.

2 Q. And at some point did you kill Mr.
3 Sanchez?

4 A. Yes, sir.

5 Q. I'm going to show you what's been admitted
6 as Government's Exhibit 300. Do you recognize this
7 as -- well, let me ask you this question first.
8 Have you ever seen this document before?

9 A. Yes, sir.

10 Q. Do you recognize this as your penitentiary
11 pack?

12 A. Yes, sir.

13 Q. And is that your name and your New Mexico
14 Corrections Department number there?

15 A. Yes, sir.

16 Q. I'm going to show you Bates 8665. Do you
17 recognize this as a judgment, sentence and
18 commitment of yours from February 13, 1997?

19 A. Yes, sir.

20 Q. And in this, did you plead guilty and were
21 you sentenced to three years in the Corrections
22 Department for your guilty plea?

23 A. Yes, sir.

24 Q. And the next page -- hold on, sorry.

25 A. Eight years.

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1 Q. Eight years. And were you charged with
2 aggravated battery, four counts of aggravated
3 battery, and one count of conspiracy to commit
4 aggravated battery?

5 A. Yes, sir.

6 Q. If we could go to Bates 8667, please, do
7 you recognize this as a judgment, sentence and
8 commitment of yours from 2004?

9 A. Yes, sir.

10 Q. And in 2004 did you plead guilty to murder
11 in the second degree?

12 A. Yes, sir.

13 Q. How long were you sentenced for that
14 count?

15 A. Fifteen years.

16 Q. In June of 2007, were you incarcerated at
17 the Southern New Mexico Correctional Facility?

18 A. Yes, sir.

19 Q. Which pod were you incarcerated in?

20 A. Blue pod.

21 Q. And which housing unit was that in?

22 A. It was J-1. 1-A now.

23 Q. Okay. I'm going to show you Government's
24 Exhibit 649. Do you recognize this as an aerial
25 view of the Southern New Mexico Correctional

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1 Facility?

2 A. Yes, sir.

3 Q. And when you say "1-A housing unit," is
4 that what I circled on the bottom left next to the
5 sticker?

6 A. Yes, sir.

7 Q. At some point were you housed with Ben
8 Clark?

9 A. Yes, sir.

10 Q. And at some point did you see paperwork on
11 Fred Sanchez?

12 A. Yes, sir.

13 Q. What happened?

14 A. Kyle Dwyer -- he arrived there from up
15 North. He had some paperwork.

16 Q. When you say up North --

17 A. PNM, Santa Fe. He got there with
18 paperwork. I know he had it when he first got
19 there, but it started getting passed around and it
20 was brought to me to look at by Benjamin and I seen
21 that it was paperwork on Fred Sanchez, Fred Dawg.

22 Q. Who was the keyholder or leader in blue
23 pod?

24 A. Benjamin Clark.

25 Q. I'm going to show you what -- do you know

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1 if what -- let me ask you this first. I'm going to
2 show you Government's Exhibit 281. Do you recognize
3 that to be a diagram of the 1-A housing unit?

4 A. Yes, sir.

5 Q. When you say that the paperwork was passed
6 around before it was brought to you, where was it
7 passed around?

8 A. It went all the way to green pod and then
9 to yellow pod.

10 Q. How was it passed around?

11 A. Through the section doors.

12 Q. Is that what's labeled here as the
13 interpod doors on Government's Exhibit 281?

14 A. Yes.

15 Q. I'm going to show you --

16 MR. BECK: I'm not sure if I admitted this
17 yet, but if I didn't, Your Honor -- I don't think I
18 did -- the United States moves to admit, I think
19 without objection, Government's Exhibits 971, 972,
20 973, 974. And that's it for now.

21 THE COURT: Any objections on those?

22 MR. BURKE: Can I see those? Oh, yeah.

23 THE COURT: No objection, Mr. Burke?

24 MR. BURKE: No objection.

25 THE COURT: All right. Anybody else? Not

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1 seeing or hearing any objection, Government's
2 Exhibits 971, 972, 973, and 974 will be admitted
3 into evidence.

4 (Government Exhibit 971, 972, 973, and 974
5 admitted.)

6 BY MR. BECK:

7 Q. Mr. Alonso, I'm going to show you what's
8 been admitted as Government's Exhibit 971. What are
9 we looking at in this photograph?

10 A. The section door.

11 Q. Okay. And how would the paperwork be
12 passed under the doorway?

13 A. Through the bottom.

14 Q. I'm going to show you Government's Exhibit
15 973. Is that a closer-up view of the gap underneath
16 the door?

17 A. Yes.

18 Q. And would you pass things back and forth
19 to the other inmates?

20 A. Yes, sir.

21 Q. And at this time was housing unit 1-A
22 totally an SNM pod?

23 A. Yes, sir.

24 Q. And I'm going to show you Government's
25 Exhibit 974. Does that appear to be a legal pad

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1 fitting underneath the doorway of the interpod door?

2 A. Yes, sir.

3 Q. What's the significance, within the SNM,
4 of paperwork like that on Fred Sanchez being passed
5 around the pod?

6 A. Essentially a death sentence.

7 Q. Why is that?

8 A. Because part of the rules being in the
9 gang is you don't tell, you don't rat, you don't
10 tell the cops anything about it, anything that goes
11 on.

12 Q. After you saw the paperwork -- let me ask
13 you this question: The paperwork on Mr. Sanchez,
14 when you saw it -- was he there housed with you?

15 A. No, sir.

16 Q. Did he sometime later move into housing
17 Unit 1-AB pod?

18 A. Yes, sir.

19 Q. Before that happened, did you have a
20 conversation with Edward Troup about tasking SNM
21 members with a hit?

22 A. Yes, sir.

23 Q. What happened?

24 A. Well, we seen it, me and Edward Troup.

25 MR. BURKE: Excuse me. I'm going to

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1 object as to foundation. I guess there was a
2 question about before, but I don't know what
3 "before" means. And it wasn't specific as to when
4 Mr. Alonso learned that Mr. Sanchez was even
5 arriving at his pod. So --

6 MR. BECK: I can clear that up.

7 THE COURT: I think the question that we
8 had was: Did you have a conversation about Mr. --
9 with Mr. Troup. And then you began to talk about
10 the wheelchair program. Do you want to go back to
11 the conversation?

12 MR. BECK: I think we were getting there.

13 THE COURT: Why don't we go there.

14 BY MR. BECK:

15 Q. Did you at some point -- well, let me ask
16 this question: When did you know that Fred Sanchez
17 was moving into housing Unit 1-AB pod?

18 A. The day that we got there, we seen him
19 coming from the education bay. There is a walkway.
20 We seen him come with the cart with his property and
21 stuff.

22 Q. Let me show you Government's Exhibit 649.
23 So when you talk about seeing him coming from
24 education, if you can circle on the screen there
25 where in this housing unit 1-A, where is blue pod in

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1 that housing unit?

2 A. (Witness complies.)

3 Q. So you circled the top right-hand corner
4 of housing unit 1-A. And where did you observe Mr.
5 Sanchez for the first time?

6 A. (Witness complies.)

7 Q. And you've marked the pavement walkway
8 from what's labeled C education towards housing unit
9 1-A. How did you see Mr. Sanchez come in?

10 A. From one of the cell windows.

11 Q. Before this time, did you have a
12 conversation with Edward Troup about who would be
13 tasked with a hit?

14 A. Yes, sir.

15 Q. And approximately how long before Fred
16 Sanchez got there was this conversation?

17 A. I'd say a few weeks, around there.

18 Q. And in the conversation, did you and
19 Mr. Troup talk about who these people would be
20 tasked to hit?

21 A. Yes, sir. It was --

22 Q. So what was this conversation with
23 Mr. Troup?

24 A. Well, when we seen the paperwork, we
25 started talking about, if this guy gets here, if he

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1 gets there, I didn't think that he would show up; if
2 he got there, who would do it, you know, how would
3 it be done. And it was going to be the Rascon
4 brothers who were to do it, because --

5 Q. And who -- hold on one second. Who told
6 you that it would be the Rascon brothers?

7 A. There was a letter sent from --

8 Q. Hold on one second. This letter that was
9 sent -- did you see the letter?

10 A. Yes, sir.

11 Q. And did you recognize the handwriting on
12 the letter?

13 A. No, sir.

14 Q. Did you recognize the signature on the
15 letter? Let me ask this question better. How did
16 you know from whom the letter came?

17 A. It was told to us by the one who it was
18 sent to that it was from --

19 Q. Okay. That's all I need to know. So
20 without getting into who sent this letter, did you
21 read this letter?

22 A. Yes, sir.

23 Q. After that, after that letter, was that
24 how it was decided that the Rascon brothers would be
25 tasked with the next hit?

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1 A. Yes.

2 Q. And did you say that in the conversation
3 with Mr. Troup, or did he say that?

4 A. He said it.

5 Q. And did you agree with him?

6 A. I agreed, yes.

7 Q. Was that based on the letter that you had
8 seen?

9 A. Yes, sir.

10 Q. What happened when Mr. Sanchez arrived at
11 housing Unit 1-AB pod?

12 A. Well, he was in orientation so --

13 Q. What happened to Mr. Clark, Benjamin
14 Clark?

15 A. He was moved out.

16 Q. After that did you talk to Fred Sanchez?

17 A. Yes, sir.

18 Q. And what did you all talk about?

19 A. How he was doing, where he came from, just
20 normal stuff, his family, regular conversation.

21 Q. Shortly after Mr. Sanchez moved into the
22 housing unit, did you have the opportunity to go
23 talk to inmates from another pod within housing unit
24 1-A?

25 A. Yes, sir.

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1 Q. What happened?

2 A. Went to green pod.

3 Q. When was this in relation to when Mr.

4 Sanchez moved in?

5 A. It's right after he got there. Maybe
6 later on that day.

7 THE COURT: Mr. Beck, do you want to take
8 these conversations up after the lunch hour?

9 MR. BECK: I would love to, Your Honor.

10 THE COURT: All right. We'll be in recess
11 for about an hour. All rise.

12 (The jury left the courtroom.)

13 THE COURT: All right. We'll be in recess
14 for about an hour.

15 (The Court stood in recess).

16 THE COURT: All right. We'll go on the
17 record. Anything we need to discuss before we bring
18 the jury in? We're a little slow getting the jurors
19 here.

20 MR. BECK: Not from the Government.

21 THE COURT: Anything, Mr. Beck?

22 MR. BECK: No, Your Honor.

23 THE COURT: Anybody from the defendants?

24 MS. HARBOUR-VALDEZ: If we could wait on
25 Mr. Burke, since this is his witness, I'd appreciate

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1 it.

2 MR. COOPER: While we're waiting, the
3 Government wants to switch out somebody that they've
4 already identified is going to testify.

5 THE COURT: For today?

6 MR. COOPER: No, another day sometime down
7 the road, and then bring in somebody new. And I
8 figured that we had kind of frozen that witness
9 list, whoever it was that they were calling --

10 THE COURT: Well, you know, y'all are more
11 privy to the conversations y'all are having. I
12 certainly thought that it was fairly frozen on the
13 day before. If you told them this is going to be
14 your witnesses the next day, it was kind of frozen.
15 But I don't know beyond that.

16 MS. ARMIJO: That's true. And it's not
17 somebody that was not originally on the calendar.
18 It was somebody that was on the calendar, but we
19 thought we needed to use the time elsewhere. So we
20 pulled one off and now we're switching him back in.
21 He was already on the calendar --

22 MS. HARBOUR-VALDEZ: He was never on the
23 calendar.

24 MS. ARMIJO: Yeah, he was. I can show
25 you. We were going to be calling him. It's the

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1 Rascons, one of the Rascons.

2 THE COURT: So the Rascons are --

3 MS. ARMIJO: Just one of them.

4 THE COURT: Are --

5 MS. ARMIJO: Going to be for James
6 Mulheron.

7 MS. HARBOUR-VALDEZ: I understand
8 switching out; for example, they're not going to
9 call Yvonne Madrid, and they're going to call Chris
10 Cupit instead to come in and testify about what
11 Yvonne Madrid would have testified about. But I
12 don't know how Raymond Rascon was going to testify
13 about what Mulheron was going to testify about.
14 That was the understanding of our agreement.

15 THE COURT: It's y'all's agreement. And
16 if I need to referee, I will. I guess I'm inclined
17 to think that as long as it's far enough in advance,
18 if they're not increasing the length of their case,
19 and they're just switching people out --

20 MR. SOLIS: Did I hear somebody say
21 somebody is going to testify to what Yvonne Madrid
22 was going to --

23 THE COURT: Hold on. Hold on. Let's
24 bring the jury in and y'all can talk about it. And
25 then if there is a dispute, I'll rule on it.

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1 All rise.

2 (The jury entered the courtroom.)

3 THE COURT: All right. Everyone be
4 seated.

5 All right. Mr. Alonso, I'll remind you
6 that you're still under oath.

7 THE WITNESS: Yes, sir.

8 THE COURT: Mr. Beck, if you wish to
9 continue your direct examination of Mr. Alonso, you
10 may do so at this time.

11 MR. BECK: I do. Thank you, Your Honor.

12 THE COURT: Mr. Beck.

13 BY MR. BECK:

14 Q. Mr. Alonso, I'm going to show you what's
15 admitted as Government's Exhibit 281-A and this is
16 just 280 with some names written in here. And does
17 this accurately reflect who was in the cells in 1-A
18 blue pod on June 16, 2007, as you remember it?

19 A. Yes, sir.

20 Q. When you talked about going to talk to an
21 inmate in C pod in green pod, where on this -- and
22 you can touch your screen -- where do you go talk to
23 this inmate at?

24 A. (Witness complies.)

25 Q. Is there in this picture -- is there like

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1 a little foyer there?

2 A. Yeah, a little foyer, yes.

3 Q. And did you leave the blue pod or did the
4 inmate come up to the --

5 A. I went to green pod.

6 Q. Okay. And who did you meet with at the
7 door of green pod?

8 A. Frankie Gonzalez.

9 Q. What did you and Frankie Gonzalez discuss?

10 A. It was -- I got that wrong, I'm sorry.

11 Q. Okay.

12 A. Ernesto Guerrero, Ern Dog.

13 Q. And what did you and Ern Dog discuss?

14 A. He had asked me to make sure that it got
15 done, that the Rascon brothers took care of what
16 they were supposed to do, because Benjamin had left.
17 And I mean, he was the one in the pod that was
18 keyholder, whatever, that was going to make sure
19 that it got done. But he left. So when I went to
20 green pod, they asked me to make sure to let them
21 know to get it done.

22 Q. To let who know to get it done?

23 A. Let the Rascons, Brian and Raymond, know
24 that they had to take care of that.

25 Q. All right. What happened after your

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1 conversation with Ern Dog?

2 A. I went back to my pod.

3 Q. And what happened when you got back to the
4 pod?

5 A. I pulled Ray, Raymond Rascon, into the
6 room to tell him that he had to take care of this,
7 him and his brother. And he told me -- his answer
8 was, "I'm going home," so he didn't want to do it.

9 Q. What did you say?

10 A. He didn't really have a choice.

11 Q. At some point -- well, let me just ask
12 you, what happened next in your mind in relation to
13 the Fred Sanchez murder? What happened next?

14 A. How it occurred?

15 Q. Did you -- let me ask you, did you and
16 Troup and Brian and Raymond meet the next day about
17 making plans?

18 A. Yes.

19 Q. Where did you meet?

20 A. In Troup's room.

21 Q. I circled that on Government's Exhibit 281
22 on the screen there. Is that the cell that you met
23 in?

24 A. Yes, sir.

25 Q. And who was in that cell with you?

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1 A. Me, myself; Troup, Edward Troup; Raymond
2 and his brother, Brian.

3 Q. What was discussed in the cell?

4 A. About them killing Fred Dawg.

5 Q. What specifically did you discuss?

6 A. How would it be done, the cameras needed
7 to be covered. The method in which it should be
8 done in, which was by strangling him.

9 Q. How did the conversation about strangling
10 come up?

11 A. Well, Troup had mentioned that it was
12 easier, quieter, and faster, and that was supposed
13 to be done.

14 Q. So was it Mr. Troup who brought up
15 strangulation as a method?

16 MR. BURKE: Leading, Your Honor.

17 THE COURT: Don't lead.

18 BY MR. BECK:

19 Q. I just want to make sure. It sounds like
20 to me it was Mr. Troup. Is that accurate?

21 A. Troup is the one that brought that method
22 up, yes, sir.

23 Q. And what did you think about when he
24 brought that up?

25 A. That was pretty accurate, because in the

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1 past that's how most SNM murders were committed in
2 prison, by strangulation. The ones in 2001, I heard
3 that that's how they were killed. A couple in the
4 county jail, that's how it was done then.

5 Q. Let me ask you, you mentioned the ones in
6 2001. Had you talked to other inmates, other SNM
7 members over the years about the 2001 murders at
8 Southern?

9 A. Somewhat, yes.

10 Q. And was it sort of common knowledge among
11 the SNM as to how those went down?

12 A. Yes, sir.

13 Q. In that discussion how did you talk about
14 covering the cameras?

15 A. From talking about different ways.

16 Originally made cups out of black paper that were
17 going to be taped to the cameras, but those were
18 ultimately found by the COs when we were out at rec.
19 So it was also discussed, like, with wet paper
20 towels and putting them -- covering them like that.

21 Q. Who made the black paper cups that were
22 going to cover the cameras?

23 A. I did.

24 Q. What happened, in your mind, after this
25 conversation? What happened next?

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1 A. As far as the murder?

2 Q. Yes.

3 A. Well, the brothers were stalling. Brian
4 and Raymond were stalling, pretty much every day,
5 figuring out a time, when to do it, who was going to
6 cover the cameras. And they were just pretty much
7 stalling, you know. They didn't want to do it. So
8 it got to the point where the guys in green pod and
9 everybody else, the ones that were asking me to make
10 sure this was done, were getting fed up with waiting
11 because it wasn't getting done by these guys.

12 Q. What happened then?

13 A. Then they sent word to our pod, one of the
14 guys from green pod, a youngster that I found out
15 later his name was Toker, he called me to the door.

16 Q. To which door on Exhibit 281?

17 A. To my door, in my pod right here.

18 Q. So you just marked in blue pod next to
19 where it says "pod doors" on the exhibit; right?

20 A. Yes, sir. And there is a food port.

21 Q. And what happened with Toker at the door
22 there?

23 A. He asked me if it was done. I told him
24 no. He said that BB, Javier Rubio, and Ernesto
25 Guerrero said, "Make sure it gets done, or we're

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1 going to come in here and get you guys and take you
2 guys out." So --

3 Q. All right. And who is BB, or Javier
4 Rubio? What's his status? Is he an SNM member?

5 A. Yes, sir, both of them.

6 Q. And was he at the time a high-ranking SNM
7 member?

8 A. In green pod, yes, sir.

9 Q. What happened after Toker told you, "You
10 need to get it done or we're going to come in here
11 and hit you all"?

12 A. I went straight, and me and Troup met up
13 on the way downstairs. I told him, "It's going
14 down."

15 Q. What did you mean by, "It's going down"?

16 A. Going to kill him like right now, it's
17 going to happen.

18 Q. Then what happened?

19 A. I went to my room. Troup came back to my
20 cell with -- Fred Dawg went to my cell, and he
21 stayed in my cell for a while, just talking, small
22 talk. And he left. Troup came back, I think, for a
23 little bit. Huera was outside of my door still, so
24 we couldn't really talk much. But I mean, what we
25 did say was, like, you know, "Is this going to go

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1 down? We need to get away from this dude to figure
2 it out real quick." We ended up going to his room.

3 Q. You and who ended up --

4 A. Me and Troup. So Fred Dawg followed. We
5 couldn't say much. As soon as he left, I told him
6 to go in the room and distract him some way.

7 Q. You told who to distract him?

8 A. Edward Troup, to distract him. That way,
9 I could get ready, and I would come in to take care
10 of it.

11 Q. What happened next?

12 A. So Fred Dawg ended up coming out of the
13 room, going to his cell. Troup was in his cell for
14 a little bit. And he comes out with a folder and
15 end up -- he meets Fred Dawg, like, kind of midway
16 in the pod, in the downstairs. And they end up
17 going into Fred Dawg's cell. And from there, I came
18 out of my cell, was walking around a little bit,
19 just making sure that he was not paying attention,
20 and he had him in there, had his attention. And
21 then I walked in the cell.

22 Q. What happened when you got in the cell?

23 A. I walked to the back of the room. I
24 jumped on the toilet and was looking out the back
25 window, just kind of bullshitting around. Troup was

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1 talking to Fred. Fred was walking around a little
2 bit in the cell. He came my way --

3 Q. Let me pause you there really quickly. If
4 we look here on 281-A, obviously, where there's
5 drawing on the rooms, you can't do anything. But if
6 you look here at the yellow pod, cell, which
7 matches -- that's not the right one, sorry -- which
8 matches Fred Sanchez' cell, is it fair to say that
9 it's the one next to the shower on the top here?

10 A. Yes, sir.

11 Q. And where is the toilet and where is the
12 window?

13 A. The toilet is here and the window next to
14 it.

15 Q. As you're standing on the toilet looking
16 out the window, what happens?

17 A. Fred comes here. As soon as he turns
18 around, I throw the rope around his neck and slam
19 him to the ground, and I end up facing towards the
20 window to the back, kind of to the back of the cell
21 at an angle. And I'm standing over him. Troup is
22 holding the bottom of his body while I'm strangling
23 him.

24 Q. Then what happens?

25 A. I just continued to strangle him. And my

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1 hands started going numb. I told him, "My hands are
2 starting to hurt, starting to go numb."

3 He said, "Just keep holding it, holding
4 it."

5 At one point he asked me if I wanted him
6 to take over. I told him, "No, I got it."

7 The Rascon brothers, Brian, came to the
8 door then, wanting to try to take over and say, "Let
9 us do it," because they were the ones that were
10 supposed to do it in the first place. But the dude
11 was already almost dead so, I'm like, "Get the hell
12 out of here and go keep lookout." So they went
13 their own way, they took off, and I just continued
14 to strangle him.

15 Q. What happened then?

16 A. Eventually he died. I just kind of was
17 pulling on the rope, slamming his face into the
18 ground, kind of busted his face a little bit. I
19 started checking him to make sure he was dead. I
20 got a mirror and put it under him, and then just
21 kind of checked his pulse. He was dead.

22 Q. What did you do then?

23 A. I got the rope, flushed it down the
24 toilet. And then we picked him up, put him in the
25 bed, to make it look like he was sleeping.

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1 Q. What happened after you put him in the
2 bed?

3 A. I went to my room, went and got in the
4 shower, took a shower. I had a shirt, a
5 long-sleeved shirt, the one I was wearing at the
6 time. It got blood on it. And I ended up giving it
7 to Brian to get rid of, tear it up. I gave it to
8 him, "Get rid of this." I don't know what he did
9 with it after that. I took a shower, got out of the
10 shower; went upstairs, and I went by Tiny's house
11 for a brief second, and walked over to Gumby's,
12 Samuel --

13 Q. Is that Samuel Gonzalez?

14 A. Samuel Gonzalez. And Dreamer, Dale
15 Chavez, and then Joe Montano, just telling them it
16 was done, he's dead. And I was showing them my
17 hands because the ropes had made some indentions on
18 my hands and I was worried about that. And I had a
19 big gash on my shin. I hit it somewhere in there, I
20 don't remember where, but I was bleeding pretty bad.

21 And that was it. And went down to my cell
22 one last time. Troup comes over to my house after
23 he's showered. He's done. Just kind of went in
24 there and discussed what had happened, and how it
25 went down. I was showing him my hands and like the

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1 gash in my shin. Kind of just -- kind of
2 congratulating each other, we got it done. These
3 dudes didn't get it done. It's done. We're going
4 to probably end up getting locked up. And that was
5 it. And we were locked down for the night.

6 Q. When was Fred Sanchez' body discovered?

7 A. Eight the next morning.

8 Q. And did you hear anything in the cell when
9 his body was discovered?

10 A. Yeah. Coming from the CO?

11 Q. Yeah.

12 A. Well, yeah, because in the morning they do
13 tier time, and I stood out on my tier time to stay
14 out with the next -- the top tier. So it stunk
15 pretty bad, so we were burning bread and stuff to
16 try to mask the smell. And the CO, Mintz, he walks
17 by and he's calling for him and calling for him and
18 he's not responsive. Opens his door and he just
19 kind of freaks out, like.

20 Q. Did you hear him yell anything?

21 A. Yeah, he said -- I can't remember exactly
22 what he said. But he freaked out. He was like -- I
23 can't remember exactly what he said, but he yelled
24 something out.

25 Q. Mr. Alonso, I'm going to show you what's

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1 been admitted as Government's Exhibit 647. And if
2 we could start somewhere around 1817, -20 or just
3 1817. Let me ask you, do you recognize the scene
4 that's depicted in Government's Exhibit 647?

5 A. Yes, sir.

6 Q. What is that?

7 A. That's Edward Troup playing chess with
8 Fred Sanchez. And I'm up there sitting down talking
9 to Tiny. I don't know his real name.

10 Q. Is that Conrad Salazar?

11 A. No.

12 Q. Gary?

13 A. Gary Romero, yeah.

14 Q. Let me ask you this question. Is this at
15 least right now a depiction of the inside of the
16 1A-B pod or blue pod in housing unit 1A?

17 A. Yes, sir.

18 Q. And if I understand -- go ahead -- and let
19 me ask how many cameras are inside of the pod?

20 A. Three.

21 Q. And does this reflect those three cameras:
22 Being the left image, the left camera; the center
23 image, the center camera; and the right image, the
24 right camera?

25 A. Yes, sir.

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1 Q. And go ahead and circle where you are in
2 Government's Exhibit 647. So in the middle frame
3 you've circled someone that looks like they're
4 crouching down in the sort of left center of that
5 middle frame. Is that right on the top tier?

6 A. Yes, sir.

7 Q. Right now, the timing on the video is
8 6/16/2007, 18:17:20:031. And it looks like the
9 third camera is a little bit behind. It's
10 17:20:25:0. Please press play.

11 (Tape played.)

12 Q. We see you going down the stairs. Where
13 are you going right now?

14 A. To the front, to the front door.

15 Q. Why are you going there?

16 A. They were calling me.

17 (Tape played.)

18 Q. Please press pause. I'm going to go by
19 the timing on the middle screen if that's all right.
20 18:17:55:031. Are you still at the door at this
21 point?

22 A. Yes, sir.

23 Q. And if I circle in the middle screen a
24 person in the back right, who is that?

25 A. That's Fred Sanchez.

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1 Q. And does he appear to be wearing white
2 shorts, white long socks, and shoes with no shirt?

3 A. Yes, sir.

4 Q. And who is that just in front of him in
5 the middle screen?

6 A. That's Edward Troup.

7 Q. Please press play.

8 (Tape played.)

9 Q. Where did Mr. Troup just go?

10 A. To the front door where I was at.

11 Q. Is he talking with you and the gentleman
12 from green pod?

13 A. Yes, sir.

14 (Tape played.)

15 Q. Is this the conversation where Toker says
16 that BB and Ern Dog say you have to get it done or
17 it's you all?

18 A. Yes, sir.

19 Q. And as the video is still playing, we see
20 someone on the top. Who is that on the top tier?

21 A. That's Ruben Hernandez.

22 Q. Please press pause. So 18:19:02:468, what
23 did we just see you and Mr. Troup do?

24 A. Walk back from the door, down to my house,
25 to my cell.

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1 Q. And so go ahead and circle in the middle
2 frame where your cell is in this.

3 A. (Witness complies.)

4 Q. And for the record, in the middle frame
5 you've circled just bottom to the left of 1A-B where
6 we see a little bit of white there. And where on
7 the right frame is Mr. Troup's cell?

8 A. (Witness complies.)

9 Q. For the record, in the right frame you've
10 just circled to the left a little bit of orange
11 light to the right of 1-AB pod.

12 Please press play.

13 (Tape played.)

14 Q. Please press pause. 18:19:20. Who just
15 went to your cell door?

16 A. That's Fred Sanchez.

17 Q. Please press play.

18 (Tape played.)

19 Q. Please press pause. At 18:19:26:453, who
20 is in the middle of the middle frame?

21 A. That's Troup.

22 Q. Please press play.

23 (Tape played.)

24 Q. Please press pause. So it's a little bit
25 hard to see, but what did Troup just do?

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1 A. Went and called the Rascon brothers.

2 Q. I think earlier on in your direct you said
3 at some point after the conversation with Toker --
4 or you told Troup that, "We're going to do this
5 now," or something to that effect?

6 A. It's going down, yeah.

7 Q. And when did you tell him that? Is it
8 before or after what we're watching here?

9 A. After.

10 Q. Please press play.

11 (Tape played.)

12 Q. Who are the two gentlemen walking down the
13 stairs?

14 A. That's Brian and Raymond Rascon.

15 Q. In that right frame, where did they just
16 go?

17 A. To Troup's cell.

18 Q. It's at 18:24:047. Where are you?

19 A. I'm in my cell.

20 Q. Is anyone with you in your cell?

21 A. Fred Sanchez.

22 (Tape played.)

23 Q. Please press pause. What did we just see
24 happen there?

25 A. Troup and the Rascon brothers come out of

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1 the cell.

2 Q. And where are the Rascon brothers going?

3 A. Going to his house, and then back this way
4 to the left.

5 Q. Please press play.

6 (Tape played.)

7 Q. All right. The left frame here. Did you
8 see someone enter the cell on the left side?

9 A. Yeah, that's Jesse.

10 Q. Okay.

11 A. Trujillo.

12 Q. And then in the right frame, what's going
13 on now?

14 A. I just missed it.

15 Q. Back it up a little bit, please.

16 (Tape played.)

17 Q. Please press pause. So in the left frame
18 now, are there people in Ruben Hernandez' cell?

19 A. Yeah, Jesse Trujillo, and --

20 Q. What are we seeing going on in the
21 background here?

22 A. Troup is coming out of my cell, going to
23 his cell.

24 Q. Please press play.

25 (Tape played.)

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1 Q. Did you see someone follow?

2 A. Yeah. It was Brian, Raymond.

3 (Tape played.)

4 Q. Please press pause. Do you see -- at
5 18:22:01:062, do you see Ruben Hernandez there on
6 the left?

7 A. Yes, sir.

8 Q. Do you know if he has something in his
9 hand or what it is?

10 A. Paper towels.

11 Q. Please press play.

12 (Tape played.)

13 Q. Please press pause. And who is that in
14 the left frame at 18:22:11:265?

15 A. That's Jesse Trujillo.

16 Q. Okay. Please press play.

17 (Tape played.)

18 Q. Did you notice if he had something in his
19 hand?

20 A. A mop.

21 (Tape played.)

22 Q. Please press pause. What just happened to
23 the left camera at about 18:23:19?

24 A. It was just covered.

25 Q. Please press play.

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1 | (Tape played.)

2 Q. Who is that walking in the middle of the
3 frame now in the right frame?

4 A. Jesse Trujillo.

5 Q. And at 18:23:34, what just happened to the
6 middle camera?

A. It just got covered.

8 Q. And who is walking in the back on the
9 right frame into Troup's cell?

10 A. That's me.

11 Q. Who just walked out of Troup's cell, if
12 you know?

13 A. Fred Sanchez and the brothers -- I meant
14 Rascon brothers. I'm sorry.

15 Q. Keep going.

16 (Tape played.)

17 Q. Please press pause. Did you see someone
18 exit on the right screen or come into the view on
19 the right camera there at 18:24:46:234?

20 A. That was Edward Troup.

Q. Was he holding something in his hands?

22 A. A folder.

Q. Please press play.

24 (Tape played.)

Q. And please press pause.

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1 What did you just see? It's 18:24:53:031.

2 A. Him and Fred Sanchez just walked back to
3 Fred Sanchez' cell.

4 Q. Did Edward Troup and Fred Sanchez enter
5 the cell?

6 A. Yes, sir.

7 Q. Please press play.

8 (Tape played.)

9 Q. Please press pause. Down in the left side
10 of the left screen, do you see someone depicted in
11 that photograph at 18:25:01?

12 A. Yes.

13 Q. Do you know who that is?

14 A. That's Ruben Hernandez.

15 Q. And where he's standing there, would that
16 be the entry door to the blue pod?

17 A. Yes, sir.

18 Q. Please press play.

19 (Tape played.)

20 Q. Please press pause.

21 All right. We saw someone walking in the
22 back of the right screen with a white cap on. Who
23 is that?

24 A. That's Brian Rascon.

25 Q. Please press play.

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1 | (Tape played.)

2 Q. And who is he talking to, if you know?

3 A. I'm not sure. I'm on that side somewhere
4 right there walking around.

5 | Q. Please press pause.

We see someone back in the middle of the frame on the right at 18:25:46. Who is that?

8 A. Can I see it a little bit?

9 Q. Press play.

10 (Tape played.)

A. That's one of the Rascon brothers.

12 Q. All right. So all three of the cameras
13 are covered now. Where are you when these cameras
14 are covered?

15 A. I'm in the cell now.

16 Q. Okay. What happened between the time that
17 we saw Mr. Troup and Mr. Sanchez enter the cell and
18 when you went in the cell?

19 A. I went to my room, got the rope, and as
20 soon as I did that, I came out a little bit and
21 walked around that back area, kind of waiting for
22 him to kind of get his attention, distract him, I
23 mean.

24 Q. Why did Mr. Troup leave his cell with that
25 folder?

1 A. To distract him. To show him some
2 patterns or something that he had, pictures or
3 something. It was either patterns or pictures.

4 Q. Did you tell Mr. Troup to distract him?

5 A. Yes, sir.

6 Q. I'm going to skip ahead now to -- let's go
7 to 18:40, about.

8 (Tape played.)

9 Q. Please press pause.

10 Looking at the left camera angle. Let me
11 ask this. At 18:41:04, are all three cameras now
12 uncovered?

13 A. Yes, sir.

14 Q. So have you strangled Mr. Sanchez and put
15 him into his bed?

16 A. Yes, sir.

17 Q. In the left frame, who do we see?

18 A. That's Ruben Hernandez down on the right,
19 and then Edward Troup in the middle, then the
20 stairs, Jesse Trujillo.

21 Q. Okay. So is it fair to say that right
22 here on the right of that left frame that I've
23 marked with an R, that's Ruben?

24 A. That's Ruben.

25 Q. Then a T over Troup, and a J over Jesse?

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1 A. Yes, sir.

2 Q. All right. After the Fred Sanchez murder,
3 during the same tier time, did you hear Mr. Troup
4 say something to Mr. Hernandez?

5 A. Yes, sir.

6 Q. What did he say?

7 A. "You're next, motherfucker."

8 Q. Please press play.

9 (Tape played.)

10 Q. Did you just see Edward Troup look back at
11 Mr. Hernandez?

12 A. Yes, sir.

13 Q. Is that when he said it, if you know?

14 A. Yes, sir.

15 Q. I want to skip to 18:55 and about a half,
16 please.

17 (Tape played.)

18 Q. That's fine. We see someone in the left
19 frame going into the middle. Who is that?

20 A. That's me.

21 Q. Where did you just go?

22 A. Back into my cell.

23 (Tape played.)

24 Q. Is that you that just came out and went
25 back in again?

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1 A. Yes, sir.

2 (Tape played.)

3 Q. 18:55:53:453. What did we just see?

4 A. Edward Troup come into my cell.

5 Q. And what happened once he got into your
6 cell now?

7 A. We just discussed what had went down, the
8 murder. I was showing him my hands and the gash in
9 my foot -- I mean in my shin, and pretty much talked
10 about what happened, what went down.

11 Q. Please press play.

12 (Tape played.)

13 Q. Thank you. I want to show you Exhibit 248
14 now. And if we could start it at about 18:23:42.
15 Or 18:23 is fine. Is that right? Is that channel
16 5?

17 Have you seen this video before today?

18 A. Only the camera on the right. Not the two
19 on the left, no, I've never seen those.

20 Q. So the two on the left, the first time you
21 saw them was today?

22 A. Today.

23 Q. Please press play. And then if we could
24 find 18:23. Back it up probably just a little bit,
25 please.

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1 | (Tape played.)

2 Q. Press pause. 18:23:49. We just saw
3 someone go towards Mr. Troup's cell. Who is that?
4 Did you see that?

5 A. I couldn't --

6 Q. Can you play it one more time from the
7 beginning, please.

8 (Tape played.)

Q. And if you don't know, that's fine.

10 A. It might be in my notes that I wrote
11 about.

Q. I don't think so.

13 (Tape played.)

14 Q. What are we seeing here?

A. Him trying to cover the camera.

16 Q. If we could take it back to 18:24:00, if
17 possible, right at the beginning. So at 18:24:00
18 did we just see somebody exiting Mr. Troup's cell?

19 A. Yes, sir.

Q. Then please press play.

21 (Tape played.)

Q. Please press pause.

23 So at 18:24:027, we just saw someone come
24 out of 18:24:04. Do you know who that was? Do you
25 remember? And if you need your notes to help

1 refresh your memory --

2 A. Yeah.

3 Q. Did you take some notes this morning when
4 you saw this video?

5 A. Yes, sir.

6 Q. Would looking at those notes help refresh
7 your memory as to who just left the cell at 18:24?

8 A. Yes.

9 MR. BECK: Your Honor, may I refresh?

10 THE COURT: You may.

11 BY MR. BECK:

12 Q. So if that refreshes your recollection as
13 to who just exited Mr. Troup's cell, look up at me.

14 A. What was it?

15 Q. So it's 18:24:04?

16 A. Fred Dawg.

17 Q. Please press play.

18 (Tape played.)

19 Q. Please press pause.

20 We just saw someone else exiting 18:24:14.

21 And now that person is in the middle of the screen.

22 Who is that?

23 A. Me.

24 Q. Who is that?

25 A. Me.

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1 Q. Please press play.

2 (Tape played.)

3 Q. Please press pause. We just saw someone
4 exit the room with a folder. Who is that?

5 A. Edward Troup.

6 Q. Please press play.

7 (Tape played.)

8 Q. Please pause.

9 So right now, in the middle of this
10 screen, at 18:24:51, we see someone with white
11 shorts who just followed Mr. Troup. Who is that?

12 A. That's Fred Sanchez.

13 Q. And is he dressed like he was earlier when
14 they were playing chess, with shorts only and no
15 shirt?

16 A. Yes, sir.

17 (Tape played.)

18 Q. Where did he just go?

19 A. Into Freddie's cell.

20 Q. Do you know where you are in this video,
21 evidence video now?

22 A. Back there in the corner in my house.

23 (Tape played.)

24 Q. Let us know if we see you come out.

25 (Tape played.)

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1 Q. What did we just see at the end?

2 A. That was me, walking into his cell.

3 Q. So is that when you went into his cell
4 after Troup went in there to distract him?

5 A. Yes, sir.

6 Q. Thank you. After this happened, were you
7 interviewed by State Police?

8 A. Yes, sir.

9 Q. And did they take pictures of you?

10 A. Yes, sir.

11 Q. In those pictures, before you took those
12 pictures, did you put anything on your shin to hide
13 the bleeding of your shin?

14 A. Yes, baby powder.

15 Q. Baby powder, you said?

16 A. Yeah.

17 Q. I'm going to show you Government's Exhibit
18 253. Did the rope that you used leave marks on your
19 hand?

20 A. It did.

21 Q. And is that what we see depicted in
22 Government's 253 on the bottom of your left hand?

23 A. Yes, sir.

24 Q. Did you and I meet at the end of March to
25 prepare for your testimony and trial in this case?

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1 A. Yes, sir.

2 Q. And did I ask you, in addition to the
3 questions I've asked you today about Fred Sanchez,
4 about other statements that you've gotten from the
5 defendants sitting in this room with us?

6 A. Yes, sir.

7 Q. Do you know who Christopher Chavez is?

8 A. Yes, sir.

9 Q. How do you know him?

10 A. I met him in Las Cruces. I mean, I'm
11 sorry, Santa Fe, the North. I met him there.

12 Q. When you say the North, do you mean the
13 PNM North facility?

14 A. PNM North.

15 Q. Do you know him as an SNM member?

16 A. Yes, sir.

17 Q. Did you get drugs with him while you two
18 were incarcerated together?

19 A. Yes, sir.

20 Q. Do you know Joe Gallegos?

21 A. Yes, sir.

22 Q. And do you know him to be an SNM member?

23 A. Yes, sir.

24 Q. Do you know Andrew Smiley Gallegos?

25 A. Yes.

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1 Q. Do you know him to be an SNM member?

2 A. Yes, sir.

3 Q. Do you know Billy Garcia?

4 A. Yes, sir.

5 Q. Do you know him to be an SNM member?

6 A. Yes, sir.

7 Q. I think you talked about what was his
8 position when you two were together at Southern New
9 Mexico in 2000?

10 A. Pretty much.

11 MR. COOPER: Asked and answered, Your
12 Honor.

13 THE COURT: Overruled.

14 BY MR. BECK:

15 Q. What was his position?

16 A. He held the keys there.

17 Q. For the whole facility?

18 A. For the whole facility.

19 Q. Later, were you -- were you two
20 incarcerated together at the PNM North facility in
21 Santa Fe?

22 A. Yes, sir.

23 Q. Was that in the Intensive Supervision
24 Unit?

25 A. Yes, sir.

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1 Q. What was his position in that unit?

2 A. Pretty much the same in that pod, yeah.

3 Q. Was he the leader, the keyholder?

4 A. Yes, sir.

5 Q. Do you know Arturo Garcia?

6 A. Yes, sir.

7 Q. Do you see him in the courtroom today?

8 A. Yes, sir.

9 Q. And where is he?

10 A. In the far back.

11 Q. And what is he wearing?

12 A. A suit.

13 MR. BECK: Your Honor, the United States
14 moves to admit -- well, may I approach?

15 THE COURT: You may.

16 BY MR. BECK:

17 Q. I'm showing you Government's Exhibit 970.
18 Do you recognize who is in that photograph?

19 A. Arturo Garcia.

20 MR. BECK: The Government moves to admit
21 Government's Exhibit 970.

22 THE COURT: Any objection?

23 Not hearing or seeing any objection,
24 Government's Exhibit 970 will be admitted into
25 evidence.

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1 (Government Exhibit 970 admitted.)

2 | BY MR. BECK:

3 Q. After the Fred Sanchez murder, what
4 facility were you moved to?

5 A. PNM North.

6 Q. At PNM North did you -- after the Fred
7 Sanchez murder, did you interact with Arturo Garcia?

8 A. Yes, sir.

9 Q. What happened?

10 A. It was in 3-B. 3-A where I was at. 3-A.
11 No, B.

12 Q. Will you please bring up Government's
13 Exhibit 828?

14 A. It was in the 3's.

15 Q. Do you recognize this as a satellite view
16 of the PNM North Facility?

17 A. Yes, sir.

18 Q. And where are -- I think you said the
19 3-As?

20 A. Right here.

21 Q. And what happened when you were
22 incarcerated with Arturo Garcia?

A. I called him out to the yard.

24 Q. Where is the yard?

A. The yard is right here, in back.

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1 Q. Is that also called Jurassic Park?

2 A. Yes, sir.

3 Q. What happened when you were in the yard
4 with Arturo Garcia?

5 MR. BLACKBURN: Your Honor, may we
6 approach for just a second?

7 THE COURT: You may.

8 (The following proceedings were held at
9 the bench.)

10 MR. BLACKBURN: Are you talking about the
11 letter?

12 MR. BECK: I'm just getting the statement.

13 THE COURT: Are you okay?

14 MR. BLACKBURN: He tried to get in the
15 letter, and initially in his 302 he says that the
16 conversation was because he had read it here.

17 MR. BECK: I'm not going to get into why
18 they had the conversation.

19 MR. BLACKBURN: Thank you, Judge.

20 (The following proceedings were held in
21 open court.)

22 THE COURT: All right, Mr. Beck.

23 BY MR. BECK:

24 Q. If we could have Government's 828 one more
25 time.

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1 So when you were in the yard with Arturo
2 Garcia there, did you talk to him about the Fred
3 Sanchez murder?

4 A. Yes, sir.

5 Q. And what did he say and what did you say?

6 A. When I called him out there, I had never
7 met him before, and I was told that he was --

8 Q. Hold on one second. Don't tell me what
9 you were told. Did you know him to be a
10 high-ranking member of the SNM at that time?

11 A. Yes, sir.

12 Q. What did he tell you and what did you tell
13 him about the Fred Sanchez murder?

14 A. I told him that me and Troup went and
15 killed Fred Sanchez because the Rascon brothers were
16 taking their time on it. They didn't want to do it.
17 So we ended up doing it, taking care of it. And he
18 said, "That was good. Fuck those guys."

19 Q. Did you believe that Arturo Garcia knew
20 that the Rascon brothers were supposed to do the
21 hit?

22 A. He was the one that sent the letter
23 saying --

24 Q. Don't tell me why you believe that. It's
25 just a yes-or-no question. Did you at the time

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1 believe that Arturo Garcia knew that the Rascon
2 brothers were supposed to do the hit?

3 A. Yes, sir.

4 Q. And did talking with him indicate that he
5 expected that?

6 A. Yes, sir.

7 Q. And when he said, "Good job," what did you
8 believe him to be referring to when he told you,
9 "Good job"?

10 A. We did what we were supposed to do. We
11 did a good thing.

12 Q. And what is that thing?

13 A. Killing Fred Dawg.

14 Q. Do you see Edward Troup in the courtroom?

15 A. Yes, sir.

16 Q. Where is he?

17 A. Behind you.

18 Q. And what is he wearing?

19 A. Light blue-green shirt.

20 MR. BECK: Let the record reflect the
21 identification of Edward Troup.

22 THE COURT: The record will so reflect.

23 BY MR. BECK:

24 Q. After -- let me ask you this. When you
25 were arrested in December of 2015, was Edward Troup

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1 also arrested?

2 A. Yes, sir.

3 Q. And were you two indicted in the same
4 count in this case?

5 A. Yes.

6 Q. Did you then go to a prison, the Torrance
7 County Correctional Facility, together?

8 A. Yes, sir.

9 Q. And when you were locked up together in
10 that time, did you have a conversation with Edward
11 Troup?

12 A. Yes, sir.

13 Q. What was that conversation?

14 A. About what? The murder?

15 Q. Right.

16 A. I'm --

17 Q. If you don't remember, I can refresh your
18 memory.

19 A. I'm trying --

20 Q. Have you talked about this with FBI agents
21 in the past?

22 A. Yes, sir. About him saying he got away?

23 Q. Hold on one second.

24 A. Oh, sorry.

25 Q. Let me show you the report.

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1 MR. BECK: Your Honor, may I approach the
2 witness?

3 THE COURT: You may.

4 BY MR. BECK:

5 Q. Do you recognize this as an FBI 302 report
6 for debriefs you had August 2 and August 28, 2017?

7 A. Yes, sir.

8 Q. I'm going to direct your attention to page
9 41901. And go ahead and read that bottom paragraph
10 and tell me, when your memory is refreshed, what
11 happened.

12 A. Here.

13 Q. Just read it to yourself, not aloud.

14 A. Okay.

15 Q. Did that refresh your memory as to --

16 A. Yes, sir.

17 Q. And what did Mr. Troup say in Torrance
18 County?

19 A. We were talking about the case, the murder
20 case. And he said, "It was all good. I got away
21 with one already."

22 Q. And what did you understand that to mean
23 that he got away with one already?

24 A. That he was never charged for the murders
25 in 2001.

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1 Q. In 2007, after the Fred Sanchez murder,
2 when you were at PNM in Santa Fe, were you in the
3 yard when Edward Troup had a conversation with
4 Playboy Frederico Munoz?

5 A. Yes, sir.

6 Q. What happened?

7 A. Edward started to tell Frederico about
8 what happened.

9 Q. What happened with what?

10 A. That we had killed Freddie. And he threw
11 my name out there. And I told him to "shut the fuck
12 up. Don't be saying my name. Don't be throwing my
13 name out there." Because I didn't want to be
14 associated with that, you know, that murder. And he
15 was out there talking about it, telling somebody
16 about it. And I told him, "Just keep my name out of
17 it. Don't be saying my name."

18 Q. What was he saying about the murder of
19 Fred Sanchez?

20 A. That me and him strangled Fred because the
21 two brothers didn't want to do it. So we went -- we
22 took care of it, we handled it, we killed him.

23 MR. BECK: May I have a moment, Your
24 Honor?

25 THE COURT: You may.

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1 MR. BECK: Nothing further, Your Honor.

2 THE COURT: Thank you, Mr. Beck.

3 Mr. Burke, do you want to go first?

4 MR. BURKE: I do.

5 THE COURT: Mr. Burke.

6 MR. BURKE: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. BURKE:

9 Q. Your first major felony was when you shot
10 at some guys from Lenares, and a few other guys, and
11 that was in 1996; right?

12 A. Yes, sir.

13 MR. BECK: Objection.

14 THE COURT: If we've already had the
15 convictions in, we can't go into facts. Sustained.

16 BY MR. BURKE:

17 Q. And you arrived at the Department of
18 Corrections, and that was, I think you -- I think
19 that was 1997?

20 A. To the prison facility?

21 Q. Yeah.

22 A. Yes, sir.

23 Q. And you were quickly inaugurated into the
24 SNM; is that right?

25 A. Yes, sir.

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1 Q. And then you quickly -- you had stabbed
2 Mascarenas; is that right?

3 A. Yes, sir.

4 Q. And then you beat somebody with a lead
5 bolt; is that right?

6 A. Yes.

7 Q. Then you stabbed a Los Carnales, who was,
8 I guess, getting his head down and you stabbed him
9 through the food port; is that what you did?

10 A. Yes, sir.

11 Q. And then somehow you got out; right? You
12 got out for a while; right?

13 A. Yes, sir.

14 Q. And that's when you murdered a 19-year-old
15 young lady; right?

16 MR. BECK: Objection, Your Honor, 609. He
17 can't get --

18 THE COURT: Well, I'll let him ask this
19 question. I think it's limited.

20 Go ahead and ask this one.

21 MR. BURKE: Right.

22 A. Yes, sir.

23 BY MR. BURKE:

24 Q. And that wasn't the only thing you did in
25 2004; right? You went on, basically, a crime spree.

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1 You had a resistance; you had a possession of meth;
2 you took your dad's car; you were out of control;
3 right?

4 A. I don't --

5 MR. BECK: Objection, Your Honor.

6 THE COURT: Overruled.

7 BY MR. BURKE:

8 Q. And this was all back in Roswell; correct?

9 A. Yes, sir.

10 Q. Did you see Fred Sanchez's daughter when
11 you were back there?

12 A. Not that I could remember, no.

13 Q. After you killed Fred Sanchez, you went up
14 to PNM; is that right?

15 A. Yes, sir.

16 Q. Yeah, you did. And by the way, on the
17 2004 conviction, do you remember moving to withdraw
18 the plea?

19 A. I don't remember that, no.

20 MR. BURKE: May I approach?

21 THE COURT: You may.

22 BY MR. BURKE:

23 Q. Why don't you take a look at this, Javier.
24 It's not real clear, but is that a motion to
25 withdraw based on psychiatric conditions?

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1 A. I don't remember.

2 Q. And then after you went up to PNM, in
3 effect, you did a five-year sentence for the Fred
4 Sanchez homicide administratively because they took
5 away all your good time; right?

6 A. Yes, sir.

7 Q. So then at that time were you still doing
8 drugs up there at PNM? You were able to get drugs;
9 right?

10 A. Yes, sir.

11 Q. And then in 2013, you're now 34 years old,
12 you've been with the SNM since 1997, and that's when
13 you expressed interest in the RPP; is that correct?
14 Do I have that right?

15 A. Yes, sir.

16 Q. And then you were there with Frederico
17 Playboy Munoz and some other people; right?

18 A. Yes, sir.

19 Q. And that's when you guys were accused of
20 starting another gang, so you were moved back to
21 PNM; right?

22 A. May I say something first?

23 Q. You know what? Mr. Beck will get to ask
24 you about that. All right?

25 A. Before you say the RPP things, I had

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1 already stepped away before the RPP had started, so
2 I was already out of the gangs.

3 Q. Okay. But you didn't get into the RPP
4 until later?

5 A. Yes.

6 Q. And then, when you got into it, you were
7 accused of starting a new gang with Playboy Munoz;
8 right?

9 A. It was false.

10 Q. And what happens is: You get arrested on
11 this charge, right, and you're moved from the PNM to
12 a different facility because you've been arrested on
13 this charge? Do I have that right?

14 A. Yes, sir.

15 Q. And people knew that you had been in the
16 RPP Program; correct?

17 A. Yes, sir.

18 Q. And you were concerned about that; right?

19 A. Yes, sir.

20 Q. And guy who stuck up for you was who?
21 Edward Troup; right?

22 A. Yes, sir.

23 Q. And he was your friend, wasn't he?

24 A. He was my brother, yeah.

25 Q. And in one of the reports you said about

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1 Edward he's bipolar; right? And I know you're not a
2 doctor and I'm not being a smart-aleck here. But
3 what you meant by that was he was a little fidgety,
4 he'd be up, he'd be moving around sometimes; right?

5 A. (Witness shrugs.)

6 Q. And then sometimes he was just crippled
7 with depression; right? He couldn't hardly move.
8 Is that what you meant by that?

9 A. No.

10 Q. He was up and down?

11 A. He was just always somebody different
12 almost every day. And it wasn't depression. It was
13 just his characteristics.

14 Q. Difficult to predict sometimes. But
15 always your friend, wasn't he?

16 A. Not always.

17 Q. Yeah, he looked out for you, though,
18 didn't he?

19 A. He spoke up for me.

20 Q. All right. And you haven't been assaulted
21 since you've been either in the RPP or when you went
22 and were in these facilities at Torrance and so
23 forth; correct?

24 A. Yes, sir.

25 Q. All right. I want to ask you, just like

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1 Mr. Beck did, about the injuries. You had injuries
2 that if anybody had been looking closely -- this is
3 back in 2007 -- if anybody had been looking closely,
4 they could have seen the furrows or some sort of
5 injuries to your hands; correct?

6 A. Yes.

7 Q. And they would have easily been able to
8 see the injury to your knee; correct?

9 A. Yes, sir.

10 Q. And it was the injury to your knee that
11 left the blood on the bed; right?

12 A. Pretty much, yes.

13 Q. And that was the blood that led to the
14 DNA; correct?

15 A. Yes, sir.

16 Q. And so what was happening to you all at
17 one time is: You're down there in jail, the DNA
18 comes through, you're talking to Tim Martinez's
19 wife, who is putting pressure on you to plead;
20 right?

21 A. No, she's not putting pressure on me.

22 Q. Do you remember the conversations with
23 her?

24 A. I remember talking to her, yes.

25 Q. And she even said, "If you do this, Tim

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1 will get credit." Do you remember that?

2 A. I don't remember that.

3 MR. BURKE: May I approach, Your Honor?

4 THE COURT: You may.

5 BY MR. BURKE:

6 Q. I'm asking you to read the call that's
7 February 17. Ring a bell?

8 A. I agree, it's there.

9 Q. Okay. But those were the calls you were
10 having with Tim's wife. So you have a situation
11 where you've got DNA, people are putting pressure on
12 you, and you decide to tap out -- I've heard that
13 phrase; is that correct?

14 A. No, sir.

15 Q. Did you decide to plea bargain?

16 A. No, that's not why.

17 Q. What was the reason then? You were just
18 tired of gang life?

19 A. I have been tired of gang life. That's
20 why I stepped away from it.

21 Q. Okay. Now, in preparation for testifying,
22 did you read the 302s?

23 A. Yes, sir.

24 Q. And do you remember when you went to the
25 door and those guys were putting pressure on you,

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1 and you said, "Now it's time." Do you remember
2 Edward's reaction when you said, "We gotta do this"?

3 A. (Witness nods.)

4 Q. He freaked out, didn't he?

5 A. (Witness nods.)

6 Q. He wasn't ready for any of this, was he?

7 He freaked out; correct?

8 A. He tripped out that it was coming down so
9 soon.

10 Q. All right. Now, let me ask you a little
11 bit about this prison hooch business. How do you
12 make that? Do you get oranges, sugar, water?

13 A. Yes.

14 Q. Let it wait for a while?

15 A. (Witness nods.)

16 Q. So how does that mix with your
17 Christianity? And I'm really not being a
18 smart-aleck. I'm just wondering how is it --

19 A. It's something that I don't do anymore.
20 And as a Christian, I'm not perfect, so I make
21 mistakes and I'm still a sinner saved by grace. So
22 I'm still going to continue to stumble at times,
23 so --

24 Q. Okay. I wanted to sort of ask you about
25 some of the statements you made here for the first

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1 time. You never before said that it was Edward who
2 brought up the strangulation. How is it that you
3 were able to remember that today for the very first
4 time?

5 A. It was never asked.

6 Q. Okay. And the burning of the bread. How
7 is it that you were able to remember that? Did
8 someone tell you about that?

9 A. No, I was --

10 Q. That's just something you remembered?

11 A. -- I was actually the one doing it.

12 Q. Yeah. And today, for the first time, you
13 remembered it so you could share that tidbit with
14 the jury; is that right?

15 A. You're saying I had never said that
16 before?

17 Q. It's not in any of the reports.

18 A. Okay.

19 Q. Now, what I want to do is ask you about
20 the statement that you made under oath when you
21 entered your plea. Do you remember that? You were
22 under oath and you appeared in front of a judge.
23 And you said he was -- do you remember saying this:
24 "He was standing kind of close by me. He turned
25 around and I just jumped on him and put the rope

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1 around his neck, dragged him to the ground, and
2 choked him until he died."

3 Do you remember that? Nothing about
4 Edward asked if he could help; right?

5 A. That's --

6 Q. Nothing about needing help. Nothing about
7 taking any time. You dragged him to the ground and
8 you choked him to death; right? And you didn't need
9 any help, did you?

10 A. Yes, I did.

11 Q. You didn't need any help. And you didn't
12 tell the judge under oath when you entered your plea
13 of guilty, did you?

14 A. I told him my part, what I did.

15 Q. Yeah.

16 A. I told.

17 Q. And the reason that you're throwing
18 Mr. Troup into this is that that's how you please
19 them; isn't that true, sir?

20 A. No, sir.

21 Q. And other people have said they saw
22 Raymond Rascon in the room. Do you recall Raymond
23 Rascon being in the room, and he was the last one
24 out?

25 A. No, sir.

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1 Q. And he was the one that was with you when
2 you jumped on poor Mr. Sanchez?

3 A. No, sir.

4 Q. But the way you're telling this story is
5 so that you can get credit from them; isn't that
6 true, sir?

7 A. No, sir.

8 MR. BURKE: That's all I have.

9 THE COURT: Thank you, Mr. Burke.

10 Anyone else have cross-examination of Mr.
11 Alonso?

12 Mr. Blackburn.

13 CROSS-EXAMINATION

14 BY MR. BLACKBURN:

15 Q. Mr. Alonso, picking up on where Mr. Burke
16 was talking a while ago, you're not trying to tell
17 us that you got your name of Wineo just because you
18 started making wine about three or four months ago;
19 is that true?

20 A. No, I've had that name.

21 Q. You've had that name for a long time;
22 right? You've been making wine there in the
23 institution for a number of years isn't that right?

24 A. No, sir.

25 Q. So how did you get nickname Wineo?

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1 A. I used to drink a lot.

2 Q. You used to drink a lot. Okay.

3 A. I sure did.

4 Q. Did you just learn how to make wine
5 recently while you were in custody?

6 A. I just knew the basics of how to do it.

7 Q. So you first got in -- when you first got
8 to the penitentiary, you didn't start making wine
9 right away; it was only recently that you started
10 doing that? Is that what you're saying?

11 A. I'm sorry?

12 Q. I'm sorry. You did not start making wine
13 within a couple of years after getting in when you
14 first went to the penitentiary. You're telling us
15 that you only started making wine recently? Is that
16 with you're saying?

17 A. I wasn't constantly making it while I was
18 back, no.

19 Q. You were making it, but not constantly?

20 A. Not throughout all the years, like that
21 wasn't my thing. I didn't do it all the time, no.

22 Q. What was your thing? Drugs? What type of
23 drugs were you doing?

24 A. I've done drugs, yes.

25 Q. What type of drugs were you doing in the

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1 pen?

2 A. I've done --

3 Q. Everything, basically, we can think of?

4 A. Not everything. No. Like heroin, smoked
5 weed.

6 Q. So you indicated that you knew Fred
7 Sanchez; isn't that correct?

8 A. Yes.

9 Q. All right. And you knew him because you
10 both were from Roswell, were you not?

11 A. Yes, sir.

12 Q. And you both were members of the same,
13 like, street gang, the Crazy Town Roswell; right?

14 A. Not a gang, no.

15 Q. Okay. Well, what was -- what is Crazy
16 Town Roswell? What is that?

17 A. That's just the name of our town that I
18 grew up. That's just the name of our town where I'm
19 from.

20 Q. All right. So there is no gang known as
21 Crazy Town Roswell?

22 A. There is now. But growing up, that's not
23 what it was. It's just like Albuquerque, Duke City;
24 that's the name of that town. For me, that's what
25 it was.

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1 Q. Okay. So you weren't a member, there
2 wasn't a gang that you weren't a member of?

3 A. I wasn't in no Crazy Town.

4 Q. Ever. All right. So bottom line was you
5 knew Mr. Sanchez from Roswell. I think you said
6 that you dated his daughter at one point in time?

7 A. Yes, sir.

8 Q. So I think you said when you were like 14
9 or 15, you were dating his daughter; is that
10 correct?

11 A. Yes, sir.

12 Q. All right. And you also know a person by
13 the name of Albert Cardona from Roswell, do you not?

14 A. Yes, sir.

15 Q. And is Albert Cardona also an SNM member?

16 A. Yes.

17 Q. Is he older or younger than you?

18 A. Older.

19 Q. Is he the same age as Freddie, or was?

20 A. They're both up there in their years.

21 Q. All right. So that was another individual
22 that you knew from Roswell; is that correct?

23 A. Yes, sir.

24 Q. And you knew that there was some
25 situations between Fred Sanchez and Mr. Cardona that

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1 relates to some crimes that were committed in
2 Roswell; isn't that true?

3 A. Not that I can remember.

4 Q. So there is no connection between any
5 crimes committed by Mr. Cardona and Mr. Sanchez when
6 they were both out on the streets in Roswell?

7 A. I don't know.

8 Q. Not that you're aware of?

9 A. No.

10 Q. So when you were -- how long had you been
11 at Southern New Mexico before the situation happened
12 with Fred Sanchez?

13 A. I think for three months, around there.

14 So I don't know the exact --

15 Q. So you had just arrived there, from what
16 institution?

17 A. From PNM South.

18 Q. From the South.

19 A. Right.

20 Q. All right. I think you indicated before
21 that you had never really served time with
22 Mr. Garcia prior to you seeing him in the yard at
23 some point in time after all of this; right?

24 A. Yes, sir.

25 Q. So you were in the South and he was in the

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1 North, but you never saw him up there under any
2 circumstance; right?

3 A. No, sir.

4 Q. All right. So when you went, did you know
5 prior to Fred Sanchez arriving that there was some
6 issue with him cooperating with law enforcement?

7 A. Fred Sanchez?

8 Q. Yes.

9 A. Yes, sir. I read the paperwork.

10 Q. But it wasn't something like you had known
11 a year before or two years before? Is that what
12 you're saying?

13 A. No, sir.

14 Q. It was because of what you found out just
15 shortly before he arrived; is that correct?

16 A. Yes, sir.

17 Q. All right. And you saw -- you indicated
18 to Mr. Beck that the person that was in charge or
19 one of the people that were in charge in the blue
20 pod in Southern New Mexico was Ben Clark; is that
21 right?

22 A. Yes, sir.

23 Q. And there was no question about him being
24 in charge; right? He made it clear to everyone that
25 he was in charge of that pod, did he not?

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1 A. That was the position that was there.

2 Q. So everybody in that pod was SNM, were
3 they not?

4 A. Yes, sir.

5 Q. Everybody? The housing unit was SNM, were
6 they not?

7 A. Yes, sir.

8 Q. And Ern Dog. What pod was he in? What
9 color was he in?

10 A. Green.

11 Q. Green pod. And he's the one that, after
12 Clark leaves, that you go and talk to; is that
13 correct?

14 A. Yes, sir.

15 Q. And Ern Dog had the -- he had the keys to
16 that housing facility, did he not? He was in charge
17 of that whole facility; right?

18 A. That pod, each pod had somebody that was
19 in charge of the pod. Not so much the whole
20 facility, no.

21 Q. So each housing unit did not have a
22 separate individual that was in charge?

23 A. There was only one housing unit there with
24 SNM, and that was 1-A.

25 Q. But there was three different pods, right?

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1 Yellow, blue, and green?

2 A. Right.

3 Q. Clark was in charge of blue pod; Ern Dog
4 was in charge of green. Who was in charge of
5 yellow?

6 A. Paul Silva.

7 Q. All right. But Ern Dog was not in charge
8 over all of them; is that what you're saying?

9 A. Yeah.

10 Q. But that's as far as you know; is that
11 what you're saying?

12 A. As far as I know.

13 Q. So when -- you first were able to look at
14 some paperwork that you believed that Ben Clark
15 showed you; is that correct?

16 A. Yes, sir.

17 Q. And that paperwork talked about -- that
18 paperwork arrived about three or four weeks, I think
19 you said, before Sanchez ever showed up; right?

20 A. Somewhere around there, yes.

21 Q. So you knew that Sanchez at least at that
22 time had some issue, but you guys never expected --
23 you didn't expect him to be coming down at all, did
24 you not?

25 A. I didn't think he would, no.

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1 Q. That was sort of a surprise; right?

2 A. Yes, sir.

3 Q. So when he arrives at the facility, I
4 think you indicated that you saw him; right?

5 A. Yes, sir.

6 Q. And Clark saw him too; right?

7 A. There was a few of us that saw him, yes,
8 sir.

9 Q. So you all knew that he had arrived;
10 right?

11 A. Yes.

12 Q. And then right after that, Clark leaves;
13 right?

14 A. Yes.

15 Q. And he leaves supposedly because of some
16 other issue where he got locked down or he was
17 going -- some issue that all of a sudden, despite
18 the fact that he had been there for quite some time,
19 whatever was going on with him, he gets sent to
20 another area because of a lockdown or some
21 disciplinary deal; is that right?

22 A. I'm not sure exactly why, but he did get
23 locked up, yes, sir.

24 Q. He had been there for quite some time,
25 Clark had, and then all of a sudden the day that

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1 Sanchez shows up, he disappears; right?

2 A. He gets locked up.

3 Q. They all of a sudden come in and take him
4 and lock him up?

5 A. Right.

6 Q. So if you want to PC, you can tell the
7 guards that something is going on and they will take
8 you out of there; right?

9 A. If you ask them for that, sure.

10 Q. You also knew that Clark was friends with
11 Fred Sanchez; is that true?

12 A. I don't know their relationship. We're
13 all brothers, so I'm pretty sure they may have
14 been --

15 Q. So did Clark actually show you the
16 paperwork that relates to Fred Sanchez?

17 A. Yes, sir.

18 Q. Or did you just -- I think you said in
19 your statement that you believed that Ben Clark
20 showed it to you but you're not -- you don't
21 remember, or you think he did?

22 A. I know he did.

23 Q. All right. And this was just three or
24 four pages; right? It wasn't a lengthy 750-page
25 police report, was it?

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1 A. I don't know how much pages. It wasn't
2 750, no.

3 Q. All right. And at that time when Clark
4 saw that Freddie showed up, he knew he was moving
5 out and he told you that you needed to get it done;
6 right?

7 A. Yeah.

8 Q. Is that correct?

9 A. He said that this needs to be done.

10 Q. Because he was in charge of that unit and
11 he ordered that that be done; right?

12 A. He said it needed to be done.

13 Q. I guess that's what I'm saying. When
14 Clark gets ready to leave, he knows he's going to be
15 going out; right?

16 A. Yes.

17 Q. And he knows he's going out, he sees Fred
18 Sanchez, and he tells you since he was the
19 keyholder, that before he moved out, he told you,
20 "Make sure it gets done"; right?

21 A. Yeah, it needs to be done, yeah.

22 Q. And you told him okay; right?

23 A. That's what --

24 Q. That's what you said; right?

25 A. Yeah.

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1 Q. I mean, yeah. And then that's whenever --
2 at some point in time, you went over and you spoke
3 to Ern Dog, and Ern Dog basically said: Make sure it
4 gets done; right? We saw that in the video, when I
5 think there was, you know, you guys were walking
6 around the pod, or at some point in time you go over
7 and you talk to Ern Dog through the door; right? Or
8 do you actually go into that unit?

9 A. It doesn't show that, but yeah, I did go
10 over to his pod.

11 Q. You could see where you leave; right? You
12 go out of the picture.

13 A. Not at all. At that time that you're
14 speaking of something different.

15 Q. That was something different. All right.
16 But there was a time when you go to the door and you
17 talk to Ern Dog and he tells you now that -- he
18 tells you, "Make sure it gets done"; right?

19 A. Yes, sir.

20 Q. Because it was an issue whether or not the
21 Rascons were even going to do it; right?

22 A. I didn't know it was going to be an issue.

23 Q. That's even better. The bottom line is:
24 Clark told you to do it and then Ern Dog told you to
25 do it; isn't that true?

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1 A. They didn't tell me to do it, no.

2 Q. Did you not say that Ern Dog told you to
3 make sure this gets done?

4 A. Yeah, but to get done; not for me to do
5 it.

6 Q. All right. All right. Well, it had
7 already been told to you by Clark to get it done;
8 right?

9 A. Yes.

10 Q. Then of course, we know the rest of the
11 story. It did get done; right?

12 A. Yes, sir.

13 Q. So now you indicated -- again, I think
14 Mr. Burke was asking you those questions a while
15 ago. How many times did you talk to the Government
16 or the FBI in this case? Three or four times?

17 A. Somewhere around there.

18 Q. Well, initially, initially you met with --
19 Mr. Roundy came to see you about three or four times
20 back in 2012, 2013 to get you to talk; right?

21 A. Who?

22 Q. One of the members of the FBI; right?

23 A. Yes, sir.

24 Q. So he was, like, every two months he would
25 come and see you and ask you if you wanted to talk;

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1 right?

2 A. He came back a couple of times, yes.

3 Q. And you said no?

4 A. Right.

5 Q. And then, of course, you got indicted,
6 right, on this charge? You were looking at the
7 death penalty; right?

8 A. Yes, sir.

9 Q. And you were around long enough to be able
10 to get the discovery on the tablets; isn't that
11 true?

12 A. Yes, sir.

13 Q. All right. And you knew that at some
14 point in time all of those reports about Roundy
15 coming and talking to you were going to be in
16 discovery. In fact, you saw them, did you not?

17 A. Yes, sir.

18 Q. In fact, your attorney addressed the Court
19 one time about the statements that you had made or
20 not made to the FBI. Do you remember that?

21 A. That was somebody else. That wasn't me.

22 Q. It wasn't you? All right. There was a
23 time, the time that you tried to renounce initially
24 was what? 2012, 2010?

25 A. When I tried to what?

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1 Q. The first time you tried to renounce.

2 A. I don't remember the exact date, but when
3 I wrote the letter to the STIU, yes, that's when I
4 told them I was done.

5 Q. Okay. And that was what prompted Roundy
6 to keep coming out and talking to you; right?

7 A. Yes, sir.

8 Q. All right. But then that didn't happen.
9 You continued to go back to doing things that you
10 were doing in the prison, doing the drugs and being
11 involved in all that stuff, and eventually you get
12 indicted; right?

13 A. No.

14 Q. No?

15 A. Involving drugs and stuff?

16 Q. After you renounced the first time, you
17 didn't start doing drugs and stuff all over again?

18 A. No.

19 Q. No.

20 THE COURT: Mr. Blackburn, would this be a
21 good point for us to take our afternoon break?

22 MR. BLACKBURN: Sure, Judge.

23 THE COURT: Let's be in recess for about
24 15 minutes. All rise.

25 (The jury left the courtroom.)

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1 THE COURT: All right. We'll be in recess
2 for about 15 minutes.

3 MR. BECK: Quickly, before we go off. I
4 think the United States has been diligent about
5 turning around reports and new discovery. And this
6 is -- a number of times I've seen documents given of
7 the defendant that certainly could have been
8 prepared for earlier, which we haven't gotten. So
9 I'd ask the teams to give us that reciprocal
10 discovery, including, obviously, the transcript of
11 Mr. Alonso's plea, change of plea hearing.

12 THE COURT: Okay. All right. We'll be in
13 recess for about 15 minutes.

14 (The Court stood in recess.)

15 THE COURT: All right. I think we have
16 all the defendants in. Go ahead and line them up.
17 Counsel for each defendant.

18 Is there anything we need to discuss
19 before we bring the jury in? Anything I can do for
20 you, Mr. Beck? Mr. Castellano?

21 MR. BECK: Not from me, Your Honor, no.

22 THE COURT: How about from the defendants?
23 Anything we need to discuss?

24 MR. COOPER: No, Your Honor, thank you.

25 THE COURT: I worked pretty hard over the

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1 weekend on the instructions, and you'll see when you
2 get them I'm beginning to make real inroads into the
3 defendants' instructions. I kind of used the
4 Government's, since theirs was filed first, to get
5 an outline, and now we're really going back and
6 studying the defendants'. Did that draft get filed,
7 the rough one?

8 THE LAW CLERK: Not yet.

9 THE COURT: Okay. So the rough one should
10 be filed. We're trying to get it filed this
11 afternoon. You'll see a rough. I don't know
12 whether it's worth looking at too much, because it's
13 pretty rough. But you'll see a rough outline. I
14 did plug in all the letters. And I lost the
15 Government's letter over the weekend so I might
16 need -- there was one from the Government and one
17 from the defendants, right, on the names that we
18 needed to put in there. I probably need another
19 copy of the Government's, because I don't know what
20 I did with that. We probably need to update that.
21 So try to find some time to send me a letter and
22 update it. But you'll see what I did with that
23 letter. So we need to update that. And I'll find
24 the Government's and get that in there.

25 All rise.

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1 (The jury entered the courtroom.)

2 THE COURT: All right. Everyone be
3 seated.

4 All right. Mr. Alonso, I'll remind you
5 that you're still under oath.

6 Mr. Blackburn, if you wish to continue
7 your cross-examination of Mr. Alonso, you may do so
8 at this time.

9 MR. BLACKBURN: Thank you, Your Honor.

10 THE COURT: Mr. Blackburn.

11 BY MR. BLACKBURN:

12 Q. Mr. Alonso, let me go back to another
13 situation. When we were talking before about after
14 Clark basically told you when he was on his way to
15 be locked down, or whatever it was, about when he
16 talked to you about the hit on Fred; right? All
17 right. At some point in time after that, you did
18 have a conversation with Fred Sanchez, did you not?

19 A. Yes, sir.

20 Q. Okay. I think you indicated that you
21 talked to him because you guys were basically
22 friends with each other, you were cool to each
23 other, and you're from the same, basically, home
24 town; right?

25 A. Yes, sir.

1 Q. And you -- Mr. Sanchez indicated to you
2 that he knew that he was in trouble; isn't that
3 true?

4 A. I don't remember that.

5 Q. Did he tell you -- did he tell you that he
6 knew that he was in trouble with the SNM, but he
7 went ahead and exited his cell on his own?

8 A. I don't remember. I don't remember.

9 Q. Did you ever remember making that
10 statement to -- with your attorney and with members
11 of the United States Attorney's Office, U.S.
12 Attorney's Office, on August 2, 2017, and August 28,
13 2017?

14 A. That he was in trouble?

15 Q. Yes.

16 A. That he knew?

17 Q. Yes.

18 A. Yes, sir.

19 Q. Would you like to see it?

20 A. Yeah. I remember.

21 Q. You remember; right. So you do remember
22 telling them that Sanchez knew he was in trouble
23 with the SNM, but went ahead and exited the cell on
24 his own; correct?

25 A. Sure.

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1 Q. You didn't tell him that he was about to
2 get hit because of what you knew was going on, did
3 you?

4 A. No, sir.

5 Q. That would be a no-no; right?

6 A. No.

7 Q. And you know that even though he's from --
8 according to the rules, as you understand them,
9 because you know that even though he's from Roswell,
10 even though you dated his daughter, even though you
11 may be friends with him, if there is some type of
12 paperwork on him, or if he violated the rules,
13 whether it's disrespect or whatever, then there is
14 an automatic green light on him; right?

15 A. Yes, that's the way the group works.

16 Q. That's the way that group works.

17 And not only an automatic green light that
18 would relate to him; if any of the other typical
19 gangs that are around there know that there's a
20 green light on somebody, that's an opportunity for
21 them to also hit that person; isn't that true?

22 A. Yes, sir.

23 Q. All right. So he knew and you knew that
24 there was a green light out on him; right?

25 A. Yes, sir.

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1 Q. All right. So then that's when you talked
2 to the Rascons and told them that they were
3 responsible for the hit, and Raymond told you that
4 he was short to the door and didn't want to do it;
5 right?

6 A. Yes, sir.

7 Q. In other words, he didn't have much longer
8 to go, and he didn't want to be in a situation -- he
9 was out the door, so he wanted to pass; right?

10 A. Yes.

11 Q. But that's not allowed; right?

12 A. No, sir.

13 Q. No passing; right?

14 A. No.

15 Q. And then that's -- at some point in time
16 shortly after that, that's when -- you know who BB
17 is; right?

18 A. Yes, sir.

19 Q. Who is that?

20 A. Javier Rubio.

21 Q. He is also in the same pod as Ern Dog;
22 right?

23 A. Yes.

24 Q. So you went over and had a conversation
25 with both BB -- all of you guys are from Roswell;

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1 right? BB is from Roswell; Freddie is from Roswell;
2 you're from Roswell. We talked about Cardona, who
3 was from Roswell. There are a lot of people from
4 Roswell in the SNM; right?

5 A. There are a few, yes, sir.

6 Q. So anyway, Ern Dog has the keys to his
7 pod, and also in that pod with him is BB; right?

8 A. Yes, sir.

9 Q. And when you went over there and talked to
10 them, they told you to make sure the hit was done or
11 else the people in your pod was going to be hit;
12 right?

13 A. When I went over and talked to Ernesto?

14 Q. Yes.

15 A. No, I didn't say that.

16 Q. When you went over and talked to Ern Dog
17 and BB was there and you were told to make sure the
18 hit was done or else the people in the blue pod
19 would be hit, do you remember that?

20 A. No, that's not what happened. When I went
21 to his pod, talked to Ernesto, he said that now that
22 Benjamin is gone, make sure this gets done; make
23 sure them two brothers handle that situation.

24 Q. Okay. But the message was passed to not
25 only Ern Dog, but also from Rubio; isn't that true?

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1 A. Talking about later.

2 Q. Oh, but at some point in time there was --
3 you knew that was a message that was coming from
4 Rubio from BB also; right?

5 A. Both of them, yes, sir.

6 Q. Both of them were telling you that it had
7 to be done or else it's on you guys; right?

8 A. Yes, sir.

9 Q. And you knew also that if you didn't take
10 care of that, you were also going to be hit; is that
11 true?

12 A. Yes, sir.

13 Q. All right. And the rest is what we've
14 seen basically happening as you described this
15 afternoon on the video; is that correct?

16 A. Yes, sir.

17 Q. All right. Now, at some point in time
18 when you were in Estancia, while you were -- after
19 this indictment came down and this case was pending,
20 you were initially housed with some of these
21 gentlemen that sit over here; is that correct?

22 A. Yes, sir.

23 Q. And you were in the facility there in
24 Torrance County in Estancia, New Mexico; is that
25 right?

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1 A. Yes, sir.

2 Q. And then after you decided to cooperate,
3 you were moved to another completely different
4 facility; is that correct?

5 A. Yes, sir.

6 Q. All right. And -- but when you were at
7 Estancia, you had an occasion when you had an
8 overdose on methamphetamine, did you not?

9 A. Yes, sir.

10 Q. All right. And you overdosed -- now, this
11 is after you had --

12 A. I didn't overdose. I didn't overdose.

13 Q. You were -- to the extent that you were so
14 sick that Edward Troup had to call to get you help;
15 isn't that true?

16 A. I don't remember him calling. I asked --
17 I called.

18 Q. All right. So you didn't have -- you did
19 not have an overdose of methamphetamine at Estancia?
20 Is that what you're saying?

21 A. I didn't overdose, no. I got sick.

22 Q. Did you take a lot, to the extent that you
23 got really sick and had to go to the infirmary?

24 A. I got sick, yes, sir.

25 Q. And while you were at the infirmary, the

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1 person who called to help you get through there,
2 you're saying that wasn't Edward Troup?

3 A. I don't remember that, no.

4 Q. All right. But anyway, you got written up
5 for that; right? You got a disciplinary deal out of
6 that for the methamphetamine that you supposedly
7 ingested when you were at Estancia?

8 A. I don't remember getting report.

9 Q. You don't remember that? Do you remember
10 refusing to take a urine test when you were out
11 there?

12 A. Yes.

13 Q. You didn't do that; right?

14 A. No.

15 Q. Because you know if you didn't do that,
16 they couldn't prove that against you; right?

17 A. That wasn't the time, no. Another reason.

18 Q. Another reason?

19 A. That wasn't the reason.

20 Q. What was the reason that you refused a
21 urine test, that they were going to find something
22 other than methamphetamine?

23 A. I already done it before. And we were
24 clean -- I was clean, and came back with another
25 one, and it was like --

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1 Q. You didn't trust --

2 A. I was being honest. I wasn't going to do
3 it.

4 Q. You didn't trust the system out of
5 Estancia to be fair with you; is that what you're
6 saying?

7 A. I wasn't going to do it, so I refused it.

8 Q. So going back to you were talking before
9 about the letter that you had written. And the
10 letter that you said that you wrote where you were
11 going to renounce was in 2012; is that correct?

12 A. I don't remember the year, but if that's
13 what it is, yes.

14 Q. Let me approach you, and you can look at
15 this.

16 MR. BLACKBURN: Is that okay, Your Honor?
17 May I approach the witness?

18 THE COURT: You may.

19 BY MR. BLACKBURN:

20 Q. Let me show you --

21 A. Okay. Yeah.

22 Q. So you wrote this to Dwayne Santistevan;
23 is that correct?

24 A. Yes, sir.

25 Q. And he was at the central office there of

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1 the state penitentiary in Santa Fe, New Mexico;
2 right?

3 A. Yes, sir.

4 Q. And you told him that you decided to
5 renounce because you feel it's important as a step
6 because of your faith, and you wanted to renounce at
7 that time; is that right?

8 A. Yes, sir.

9 Q. So -- and as you put it, "May God bless
10 you. If you wish to discuss this with me, I am
11 open"; correct?

12 A. Yes, sir.

13 Q. So because of your religious faith at the
14 time, or whatever you were doing, you decided to
15 renounce, but then when they sent people out to talk
16 to you, you didn't do that; right?

17 A. No, sir.

18 Q. You continued to say, "No, I'm not going
19 to renounce." But eventually you did go to the RPP,
20 did you not?

21 A. No, no, no, no, I did renounce.

22 Q. You did renounce?

23 A. Yes, sir.

24 Q. You renounced. But when they came out to
25 talk to you, you repeatedly -- because you have to

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1 debrief, do you not?

2 A. Yes, sir.

3 Q. And you didn't do that, did you?

4 A. Yes, I did.

5 Q. You did? All right. So you renounced and
6 everybody knew you had renounced, did they not?

7 A. Yeah, yes, sir.

8 Q. Everybody knew. But then you still
9 continued -- you were doing this because of your
10 faith, but your faith sort of got in the way with
11 some of the other things you were doing afterwards;
12 isn't that true?

13 A. That came later. I mean --

14 Q. This is in 2012 and 2013; right?

15 A. Yeah.

16 Q. So -- but it wasn't a secret at that point
17 in time, at least amongst a few people, that you had
18 renounced and you had debriefed; right?

19 A. Yes, sir.

20 Q. And that's when, even though you didn't
21 follow up with some of the issues with Roundy and
22 these guys, you did debrief initially and some
23 people knew about that; right?

24 A. Yes.

25 Q. And those people did not trust you, did

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1 they?

2 A. Probably not.

3 Q. And when you were locked up with them at
4 Estancia, they still didn't trust you, did they?

5 A. I'm sure they didn't.

6 Q. And so -- and you were also not very happy
7 under the circumstances with Mr. Garcia, with Arturo
8 Garcia, because you knew that, as you said, that he
9 hated on you because he knew that you had gone to
10 RPP and that you had renounced; isn't that true?

11 A. Yes, sir.

12 Q. And you didn't really like Mr. Garcia when
13 you were out there in Estancia, when you were locked
14 up with him, because you seemed to think that he was
15 somewhat greedy and selfish; isn't that true?

16 A. Yes.

17 Q. But you're the one who asked for the
18 meeting with him; you asked that you could go out
19 and talk to him in the yard; isn't that true?

20 A. Yes.

21 Q. So when you went out and talked with
22 him -- or as you told us, that you went out and
23 talked with him earlier, but for the first time --
24 it wasn't until April 26, 2018, just before this
25 trial, that you indicated that when you went out

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1 there and you talked with him in the yard, that he
2 asked you about the brothers, the Rascon brothers;
3 right?

4 A. Yes, sir.

5 Q. And you told him that the brothers were
6 stalling and that's why -- and they were acting like
7 a bunch of pussies, and that's why you decided to do
8 this; right?

9 A. Yes.

10 Q. And at that point in time he looked at you
11 and said, "Fuck em"; right?

12 A. He said, "That's good that we took care of
13 it. Fuck em."

14 Q. Are you sure that's what you said, or did
15 you tell the agents on April 2, 2018, that that's
16 what happened? Or did you just basically say,
17 "Alonso Garcia (sic) replied to me, 'Fuck em'"?

18 A. Well, what does it say?

19 Q. All right. Do you want to see?

20 MR. BLACKBURN: May I approach?

21 THE COURT: Yes, you may.

22 BY MR. BLACKBURN:

23 Q. Is that what you said?

24 A. Yes.

25 Q. So when you told him that, he just

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1 basically told you to "Fuck em," right?

2 MR. BLACKBURN: I have nothing further,
3 Your Honor.

4 THE COURT: Thank you, Mr. Blackburn.

5 Ms. Torraco, do you have cross-examination
6 of Mr. Alonso?

7 MS. TORRACO: Thank you, Your Honor.

8 THE COURT: Ms. Torraco.

9 CROSS-EXAMINATION

10 BY MS. TORRACO:

11 Q. Good afternoon.

12 A. Hello.

13 Q. So you're a long-time SNM member; right?

14 A. Yes, ma'am.

15 Q. And you, though, renounced SNM, I guess it
16 was in 2012; right?

17 A. Yes, ma'am.

18 Q. That's what Mr. Blackburn established,
19 2012?

20 A. 2012.

21 Q. So the first time that you met, though,
22 Andrew Gallegos was in 2016; isn't that true?

23 A. Yes, sir -- I mean, ma'am. I'm sorry.

24 Q. That's okay. That was when there was a
25 superseding indictment; right? And all you guys,

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1 everyone on these racketeering charges, was arrested
2 together; right?

3 A. Yes, ma'am.

4 Q. And you guys were all housed in Estancia
5 together --

6 A. Yes, ma'am.

7 Q. -- right? And that's the first time you
8 ever met --

9 A. In Chaparral, actually.

10 Q. But the first time was in Estancia; right?
11 And then subsequent to that --

12 A. Oh, that I met, yes, ma'am.

13 Q. Right. So it was that time that all the
14 alleged SNM members from the racketeering indictment
15 were put in the same pod. But prior to that, you'd
16 never met him; correct?

17 A. No.

18 Q. And you -- prior to 2016, you didn't know
19 anything about him, did you?

20 A. Yes, from his brother, because me and his
21 brother --

22 Q. Well, hold on. Okay. So you only knew
23 him by reputation?

24 A. Personally.

25 Q. But you never had met him?

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1 A. No, I never met him, no.

2 Q. And so prior to 2016, you had no personal
3 knowledge about Andrew Gallegos, because you never
4 did time together?

5 A. No, ma'am.

6 Q. Right. Never locked up together?

7 A. No, ma'am.

8 Q. Never met him before then? You didn't
9 know him on the streets, did you?

10 A. No, ma'am.

11 Q. Because you're from Roswell, he's from
12 Belen.

13 So just by way of just kind of pure
14 example, you wouldn't know if he was SNM before
15 2014; right?

16 A. Yeah, I would.

17 Q. Well, you only know what other people have
18 told you?

19 A. His own brother.

20 Q. Well, you only know what other people have
21 told you?

22 A. Yeah.

23 Q. I don't care who told you. You didn't
24 know him?

25 A. Right.

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1 Q. Right?

2 MS. TORRACO: Thank you so much.

3 THE COURT: Thank you, Ms. Torraco.

4 Mr. Solis.

5 MR. SOLIS: Thank you, Your Honor.

6 THE COURT: Mr. Solis.

7 CROSS-EXAMINATION

8 BY MR. SOLIS:

9 Q. Very briefly, sir. Mr. Alonso, two items
10 that Mr. Burke talked with you about caught my ear,
11 as it turns out, so I want to explore those with you
12 very briefly. You admitted that in preparation for
13 your testimony, you reviewed or read the 302s. Do
14 you remember that?

15 A. Yes.

16 Q. And just so everyone remembers, the 302s
17 are those reports that are drafted or offered by an
18 FBI agent following an interview or investigation.
19 So you did review those?

20 A. Yes, sir.

21 Q. And where are you housed currently? Where
22 are you detained at the moment?

23 MR. BECK: Objection, Your Honor.

24 THE COURT: Well, let's approach, if
25 you're going to go that direction.

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1 MR. SOLIS: I'll rephrase the question.

2 BY MR. SOLIS:

3 Q. Are there other cooperators or SNM members
4 housed with you currently?

5 A. Yes, sir.

6 Q. And have you been able to -- strike that.

7 The other item that caught my eye was the
8 question that was asked of you or posed to you
9 between Playboy starting a rumor -- or a rumor
10 starting, rather, that Playboy and you started a new
11 gang, an affiliation, and you said that was strictly
12 false.

13 A. Yes.

14 Q. Do you remember you testified to that a
15 while ago?

16 A. Yes, sir.

17 Q. And that was something that was simply
18 made up?

19 A. Yes.

20 Q. So in this community or this society of
21 SNM members and association and affiliates, and all
22 that, associates, it was just something that was
23 made out of thin air?

24 A. Yes, sir.

25 Q. A whole fabrication?

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1 A. It was never us.

2 Q. Never happened?

3 A. It was never us, no.

4 Q. Yet a lot of people believed it. That
5 upset you, didn't it?

6 A. Well, because it wasn't true.

7 Q. Right. And evidently it was making the
8 rounds enough to where it bothered you that people
9 were thinking that?

10 A. Because I got locked up. I don't really
11 care what people think, but I got out of one thing;
12 why am I going to go and try to start something else
13 when I don't want to be part of that life
14 whatsoever?

15 Q. That's my point. It was totally untrue,
16 wasn't it?

17 A. Yes, sir.

18 MR. SOLIS: All right. Thank you. That's
19 all.

20 THE COURT: Thank you, Mr. Solis.

21 Mr. Cooper, do you have examination?

22 MR. COOPER: One moment, Your Honor.

23 THE COURT: Certainly.

24 MR. COOPER: Your Honor, we don't have any
25 questions.

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1 THE COURT: Thank you, Mr. Cooper.

2 Anyone else on the defendants' side have
3 any cross-examination of Mr. Alonso? All right,
4 Mr. Beck, do you have redirect of Mr. Alonso?

5 MR. BECK: I do, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. BECK:

8 Q. Did you know that Andrew Gallegos has
9 another brother besides Joe Lawrence in the SNM?

10 A. Yes, sir.

11 MS. TORRACO: Objection.

12 THE COURT: Overruled.

13 BY MR. BECK:

14 Q. And before you met Andrew Gallegos in
15 2016, did you know him to be SNM?

16 A. Yes, sir.

17 Q. I think Mr. Solis just talked to you about
18 the rumor that you started a gang with Playboy. Do
19 you remember that?

20 A. Yes, sir.

21 Q. Do you know if the Corrections Department
22 believed it?

23 MR. SOLIS: Objection, calls for
24 speculation. He couldn't possibly know that, Your
25 Honor. And hearsay.

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1 THE COURT: I'm more worried about that.

2 So I'll sustain.

3 BY MR. BECK:

4 Q. At some point were you moved out of RPP?

5 A. Yes, sir.

6 Q. Does that indicate to you that the
7 Corrections Department believed that -- believed
8 that you and Playboy were --

9 MR. SOLIS: Same objection, Your Honor.

10 THE COURT: Sustained.

11 BY MR. BECK:

12 Q. Do you know if any inmates ever believed
13 that you and Playboy ever started a gang?

14 MR. SOLIS: Calls for speculation.

15 MR. BECK: Just asking if he knows.

16 THE COURT: I think he was asked these
17 questions. Overruled.

18 BY MR. BECK:

19 Q. Do you know if any other inmates believed
20 that you and Playboy started a gang?

21 A. I believe so.

22 Q. Mr. Burke asked you why you agreed to
23 plead guilty and cooperate in this case. Do you
24 remember that?

25 A. Yes, sir.

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1 Q. Why did you?

2 A. Because I believe it's the right thing to
3 do.

4 Q. Did you have -- let me ask you this. Did
5 you agree to cooperate, like some people did, on
6 December 3rd, 2015, when you were arrested?

7 A. No, sir.

8 Q. And when you were visited in 2012 and 2013
9 by the FBI, was that after you had renounced the
10 gang?

11 A. Yes.

12 Q. And did the FBI ask you about your
13 involvement in the Fred Sanchez murder?

14 A. I believe -- I don't remember exactly
15 that.

16 Q. Would it refresh your recollection to look
17 at some reports on that?

18 A. Yes.

19 MR. BECK: May I have a moment, Your
20 Honor?

21 THE COURT: You may.

22 BY MR. BECK:

23 Q. I'm going to approach you with an FBI 302
24 dated May of 2013 and an FBI 302 dated July 23 of
25 2013. They're Bates numbered 41892 and 41893

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1 respectively. Go ahead and look over those reports
2 and just look up at me, without reading from them,
3 when your memory is refreshed whether you were asked
4 about the Fred Sanchez murder.

5 Is your memory refreshed?

6 A. Yes.

7 Q. So when the FBI came to visit you, did
8 they ask you about the Fred Sanchez murder?

9 A. Yes, sir.

10 Q. You didn't tell them at that time what you
11 told in court; right?

12 A. No, sir.

13 Q. So you said that you pled guilty in this
14 case, 2017, because it was the right thing to do.
15 Before you decided to cooperate and plead guilty,
16 did you have a telephone conversation with your
17 brother?

18 A. Yes, sir.

19 Q. Was that telephone conversation
20 instrumental in deciding to plead guilty and
21 cooperate?

22 A. Yes, sir.

23 Q. And was it only after that conversation
24 that you agreed to cooperate and plead guilty?

25 A. Yes, sir.

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1 Q. I'm going to show you Government's Exhibit
2 303. Do you recognize this document as the plea
3 agreement that you entered into in August of 2017?

4 A. Yes, sir.

5 Q. And I'm going to turn your attention to
6 page 9 of that document. Is that your signature at
7 the middle of the page?

8 A. Yes, sir.

9 Q. And above that, does it say that it's been
10 read to you and you understand it and discussed it
11 with your attorneys?

12 A. Yes, sir.

13 Q. Is that true?

14 A. Yes, sir.

15 Q. Now, I want to turn your attention to page
16 4. Do you see in paragraph 7 that you're accepting
17 responsibility for what you did in pleading guilty?

18 A. Yes, sir.

19 Q. Do you see at the bottom where it's
20 blacked out or redacted?

21 A. Yes, sir.

22 Q. I'm going to turn to page 5. Do you see
23 where that redaction of paragraph 7 continues?

24 A. Yes, sir.

25 Q. Is that where you explained in this

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1 document and adopted why you were pleading guilty to
2 the Fred Dawg murder?

3 A. Yes, sir.

4 Q. Now, Mr. Burke talked to you about the --
5 what I call the change of plea hearing, but where
6 you pled guilty in front of a magistrate judge. Do
7 you recall that?

8 A. Yes, sir.

9 Q. In that hearing -- let me know if your
10 memory needs to be refreshed about that -- but in
11 that hearing, when you were in front of the judge,
12 were those -- what's blacked out there, was that
13 read aloud in court?

14 A. I don't remember.

15 Q. Would it refresh your recollection to look
16 at a transcript?

17 A. Yes.

18 Q. I'm going to approach you with the
19 transcript that I was handed, and I'll approach you
20 with an unredacted copy of Exhibit 303.

21 MR. BECK: May I approach, Your Honor?

22 THE COURT: You may.

23 BY MR. BECK:

24 Q. It doesn't -- oh, I see. These are
25 numbered.

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1 All right. I'll direct your attention to
2 pages 17 and 18 of the plea agreement. If you want
3 to start reading at the bottom of page 17. Then
4 when your memory is refreshed whether all those
5 facts were read aloud in court during your change of
6 plea hearing, just look up at me.

7 Is your memory refreshed?

8 A. Yes, sir.

9 Q. Were all those facts that we saw blacked
10 out in Exhibit 303 -- were those read aloud in
11 court?

12 A. Yes, sir.

13 Q. And were you asked by the magistrate judge
14 whether you agreed that all those things were true?

15 A. Yes, sir.

16 Q. What did you say?

17 A. I agreed.

18 Q. And after that, did the magistrate judge
19 ask you, "In your own words, tell me what happened,
20 what you did"?

21 A. Yes, sir.

22 Q. Did you answer that question?

23 A. I did.

24 Q. Okay. Do you remember whether you said,
25 in response to that question, that you and Troup

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1 were told to get it done and that Troup went into
2 Fred Sanchez's room and talked to him before you
3 went into the room?

4 A. Yes, sir.

5 Q. And then after that portion of your
6 answer, was that the portion that Mr. Burke read to
7 you where you said that you got on the toilet and
8 strangled him with the laundry bag?

9 A. Yes, sir.

10 MR. BECK: No further questions, Your
11 Honor.

12 THE COURT: Thank you, Mr. Beck.

13 Do you have something else, Mr. Burke?

14 MR. BURKE: Just one, Your Honor.

15 THE COURT: Mr. Burke.

16 RECROSS-EXAMINATION

17 BY MR. BURKE:

18 Q. So Mr. Alonso, setting aside the legalese,
19 getting to how it happened, you jumped on him, you
20 strangled him, and you killed him; right?

21 A. Yes, sir.

22 MR. BURKE: That's it.

23 THE COURT: Thank you, Mr. Burke.

24 Anything else, Mr. Beck?

25 MR. BECK: No, Your Honor.

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1 THE COURT: All right. Mr. Alonso, you
2 may step down.

3 Any objection to him being excused, Mr.
4 Burke? Anyone else?

5 All right. Not seeing or hearing any
6 objection, you're excused from the proceedings.
7 Thank you for your testimony.

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6 Official Court Reporter for the State of New Mexico,
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8 constitute a true transcript of proceedings had
9 before the said Court, held in the District of New
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my
12 hand on this 20th day of May, 2018.

13

14

J

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